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THE

ENGLISH UNIVERSITIES.

VOL. II.—PART II.

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THE

ENGLISH UNIVERSITIES.

FROM THE GERMAN OF

V. A. HUBER,

PROFESSOR OF WESTERN LITERATURE AT MARBURG.

AN ABRIDGED TRANSLATION,

EDITED BY

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VOL. II.—PART II.

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NOTES.

Note (42) referred to in Page 3.

On the privilege granted to the Universities to send Members to Parliament.

The motive for this Royal privilege (dated 12th March, 1603) is expressed as follows: "As in the Colleges of our University there are many local statutes, constitutions, &c., and as in past times, and especially of late, many Statutes and Acts of Parliament have been made concerning them, it therefore appears to us worth while and necessary that the said University should have Burgesses of its own in Parliament, who from time to time may make known to the Supreme Court of Parliament, the true state of that University, so that no Statute or Act may offer any prejudice or injury to them, or any one of them severally, without just and due notice and information being had in that respect. Know therefore all, &c." (Dyer i. 135.) Under the circumstances, it is not likely that there was any extensive or deep political intention at the bottom of this measure, for the strengthening of the Royal influence in Parliament; however plausible such an explanation may appear at first sight. But in point of fact, the foundation for future extensions of the Parliamentary sphere of agency was laid by this means. It is evident at the same time, that the political importance of the Universities was much increased by the measure; whether to their advantage needs no investigation here. The expediency of bestowing political rights such as these, upon scientific corporations, may be looked upon as very doubtful. But if once possessed of them, they should never be expected to use

them in an unworthy or slavish manner. Wood gives an account of the opinions entertained at Oxford, with regard to this new privilege.

Note (43) referred to in Page 15.

Conduct of the Universities concerning the Covenant, &c.

The University appealed to the protest set forth by Parliament in 1641, and signed by both Universities, which was principally directed against the Papists, but which, next to the Royal prerogative, expressly and prominently set up the rights of Parliament, thus forming, as long as men's intentions with regard to constitutional Monarchy were good, a sufficient guarantee, as far indeed as any guarantee can exist in such things. Even the "Covenant," as is well known, was not drawn up in an anti-Monarchal form, and was, consequently, admirably calculated to ensnare imprudent, weak, or dishonest minds, into ultimate republicanism, and to test really firm and sincere Royalists. The "*ordinationes*" were the principles and regulations established in 1644, in the English Church, and were entirely incompatible with her Episcopal Constitution. The "*Juramentum negativum*" enjoined a total abstinence from every kind of opposition to the troops, decrees and orders of the Parliament, and every kind of support of the King and his adherents. The unanimity of the Convocation (with the exception of one vote) which is expressly mentioned by Wood, is certainly very striking, and we must conclude from it, that many of the Puritans, who had been expelled or had withdrawn at an earlier period, had not yet returned to the University, whilst others allowed themselves to be carried away by the momentary impulse of the corporate spirit. To this we may add, that the more moderate of the Puritans began already to be alarmed for Royalty itself, and were under the influence of reaction, which could nowhere have better play than here, since the "Judgment of the University of Oxford touching the Solemn League," &c. contained, in the letter, nothing, that they could not subscribe with a good conscience and without proving faithless to their original principles.

This document may be found in Wood, and is printed, moreover, in English, French and Italian translations.

Note (44) referred to in Page 16.

The Submission of the Universities to Cromwell's rule.

After the Visitation of 1646, there were but few members of the University who came forward as martyrs on account of their political opinions: but this needs no detailed explanation, being merely a repetition of what took place in the kingdom at large, and I am not writing a history of those times. Here it will suffice to call to mind, that the spirit which was introduced at the Universities by the last Visitation, and of which the Covenant may be considered as the symbol, had not in itself any defined political character, neither republican nor purely despotic, nor yet decidedly constitutional; to say nothing of the theological views. It was the spirit and sentiment of the "*juste milieu*" then prevailing; which, without actual apostacy, easily submitted to any ruling principle whatever, provided *on the one hand*, it was able to protect and promote existing interests, possessions, habits, and business, (which may be termed the material foundation of all civic associations;) and *on the other hand*, it required no active part to be taken, involving sacrifice or danger. A spirit of this kind excludes neither honorable elements nor honorable persons: and if to this, we add the very important considerations, which induced men to look upon Cromwell's rule, not only as a lesser evil, and as the sole guarantee against unlimited disorder, but also as a positive benefit for the nation, especially in foreign affairs, we shall have no reason to animadvert upon the passive submission of the Universities: although many of their members probably mourned at heart after the Constitutional Monarchy, and some even for the pure Republic. Cromwell, moreover, had several very zealous adherents at the Universities. Especially those who clung to Monarchy, and gave up the fallen dynasty as lost, were desirous of honoring Cromwell as the Founder of a new

one. For instance, a Greek ode to Cromwell was written at Cambridge, which commences χαῖρ' Ἄγγλων βασιλεῦ κ. τ. λ.—And terminates with

Οὕτω πᾶς σέο λαὸς ἐπευφημήσει ἀΰσας;
Οὐκ ἀγαθόν πολυκοιρανίη, εἷς κοίρανος ἔστω.

Such and similar academic effusions of the time are be found in the "*Oliva pacis ad celsissimum Oliverum Cromwellum*," &c. *Cambridge*, 1654.

Note (45) referred to in Page 33.

Transition of the Court and High Church from Calvinism to Arminianism, under James I.

To say nothing of the times of Henry VIII., and Edward VI., there was certainly no want of theological idolatry towards Elizabeth: but the character of this Queen, her ministers, her Court, and her whole reign, gave infinitely better ground for such exaggeration than in the case of her successor. Her whole nature also came nearer to stricter Calvinism, and *possibly* she had sincerer intentions towards it, than the Stuarts. In her case, external accident forbade favor to the Puritans; but the whole nature and education of the Stuart race urged them to the other extreme. The extreme points of contrast, and the gradual transition between them,—from the strict Calvinism which James I. brought from Scotland, to the Popery, with which James II. fled to France; I must presume my readers to be acquainted with, in a general sense. A satisfactory and detailed account is wanting; but to attempt it is beyond my power; and indeed it would demand a combination of qualities too seldom found. The turn of the tide may be computed from the year 1621, as an external era, when an accidental homicide was committed by Archbishop Abbot, the representative of the stricter Calvinism. This unlucky event irrevocably ruined his influence, and proved signally favorable to that of Laud. Yet, assuredly, great changes had taken

place in the King's mind since 1611, at which time he was so violent against the Dutch Arminianism, as to refute it with his own pen.

Note (46) referred to in Page 39.

Introduction of the Thirty-nine Articles, at Oxford and Cambridge, under James I.

James called these articles his *darlings*. As early as 1613, the subscription to the three articles, in compliance with Royal letters, was prescribed at Cambridge, by a decision of the Senate, as necessary for a degree in the higher faculties. This was followed in June 1616, by an autograph letter from the King, in which, among many other matters,— such as the dress, the seats in the chapels, the frequenting taverns, and similar most important regulations of the Royal pedant ;— it was recommended that the three articles should be subscribed by *all* degrees in *all* faculties. Although it is not expressly stated that these regulations were accepted by the Senate ; yet the fact, that they proceeded upon this rule afterwards, proves that they became valid in the usual way. Similar demands on the part of the King were met by corresponding decisions at Oxford in 1617 (v. Wood). The Thirty-nine Articles were then already expressly mentioned, although in Cambridge, only a general mention is made of them in the third Article of 1604. Whether, at Oxford, the subscription was extended, from those who took their degrees to those who matriculated, before the acceptance of the Statutes of 1636, or not, I cannot tell : however, it is scarcely probable that any one would have matriculated without having a degree in view. It is well known that the first of these articles contains a recognition of the King's supremacy in *spiritual* and *ecclesiastical*, as well as in temporal affairs — the second contains a recognition of the principles established in the book of Common Prayer, and of ordering of Bishops, Priests and Deacons, &c., and the third, a general recognition of the articles of faith of 1562.

Note (47) referred to in Page 47.

Statutes, &c. relating to the Conduct of Students.

I refer my readers to Wood, where (for instance in the years 1606 and 1623) Statutes against all kinds of more or less serious misconduct are quoted, such as drinking, whoring, gaming, rioting, unseemly splendor of dress, &c. Some of the principal occasions of these disorderly doings appear to have been, either the yearly elections of the Proctors and other Academic Officers, (when it was the custom to give feasts and banquets as a kind of bribe,) or the festivities upon the conferring of degrees, and more particularly the scholastic exercises "*pro gradu*," when, especially at Shrovetide, a great state of excitement invariably prevailed among the academic youth. This was an old subject of complaint at all Universities, and more particularly at such a time, as the admission to degrees was granted by voting, and was, consequently, to a certain extent, a kind of election, which as such gave rise to manœuvres of every kind. Another complaint which was often brought forward, was against the excursions of the scholars into the neighborhood of the town, where a numerous population had *squatted* in temporary huts, who are represented by the University-authorities, as "a graceless rabble, which seduces the youth, and must be stubbed up, root and branch." The principles which prevailed respecting the academic discipline, may be easily gathered from what has been said above; of course the clearest account may be obtained from the Statutes themselves, on which c. xiv. treats "*de vestitu et habitu scholastico*," and c. xv. "*de Moribus conformandis.*" The titles of some of the paragraphs run as follows [in Latin]: "On the reproof and punishment of those who introduce unusual dresses.—On the reverence of the juniors towards the seniors.—On hindering lounging and lazy scholars from roving about the city.—That scholars be not present at the assizes.—On not frequenting the houses of townsmen.—On not frequenting winehouses and taverns.—Against night-strolling.—On prohibited games.—Against infamous books.—Against foul language.—Against personal violences.—Against wearing arms.

— Against unlawful conventicles. — On punishing the authors and originators of schism. — On the opposers and violators of the public authority." Among prohibited games are mentioned, "Every kind of game in which money is concerned, such as dibs, dice, cards, cricketing in the private grounds or gardens of townspeople;" and then "every kind of game or exercise from which danger, injury, or inconvenience might arise to other people, such as the hunting of beasts with any sort of dogs, ferrets, nets or toils; also any use or carrying of muskets, crossbows or falcons:" "neither ropedancers, nor actors, nor shows of gladiators, are to be permitted without especial permission:" moreover, "the scholars are not to play at football, nor with cudgels, either among themselves or with the townsfolk, a practice," it goes on to say, "from which the most perilous contentions have often arisen." The penalties are corporal punishment, ("if by reason of age it be becoming,") fines in money, loss of a greater or lesser period of time of study necessary for the degree, and finally expulsion, either partial [i. e. *rustication*] or entire. To this was added in the Colleges, impositions and *the stocks*, and also a stoppage of the daily rations (*commons*). The minimum of age was fourteen. None of this was new, but it was previously contained in the Cambridge Statutes.

Note (48) referred to in Page 62.

Test Books for the University Lectures.

It would be quite unnecessary for me to enter into all the details respecting the number of Lectures, the behaviour of the Scholars during their delivery, the punishments for not attending them, &c. I can only find room for an enumeration of the Authors prescribed for each of the Faculties, as a sort of standard of the scientific demands of the time. — (T. IV. sect. i. stat.) — "Prælector Grammaticus legat lingua latina vel technice e Prisciano, Linacro aut alio probato autore, vel critice seu philologice, selectos, aliquos titulos, de antiquitatibus græcis vel romanis explicet. — P. Rhetoricæ

exponat Rhet. Aristotelis, Ciceronis, Quinctiliani aut Hermogenis; quos inter se sic conferat ut ex iis artis præcepta in unum corpus redigat.—P. Dialect. exponat aut Porphyrii Isagogen aut quamcumque Log. Aristot. partem. — P. Moral. Philos. Aristot. Ethica ad Nicomachum, Politica nec non Œconomica legat, textum exponendo et quæstiones prout e textu Arist. emergant discutiendo.— P. Geometriæ (no author mentioned.) — P. Astronomiæ et P. Musicæ, (the same thing.) — P. Natur. Philos. Aristotelis Physica aut Libros de Cœlo et Mundo, aut de Meteoris, aut ejus parva Naturalia aut Libros de anima, nec non de Generatione et Corruptione exponat. — P. Metaphysicæ Arist. Metaphys. legat, textum exponendo et quæstiones Metaphys. quæ apud antiquos et modernos exagitantur succincte ventilando.— P. Historiæ Lucium Florum aut alios quosvis antiquioris et melioris notæ historicos perlegat.— Prof. Linguæ Græcæ Homerum, Isocratem, Euripidem aut alium quemvis ex classicis autoribus explicabit.— Prof. L. Hebraicæ e Sacræ Scripturæ fontibus quæcunque ad illius linguæ proprietatem pertinent explicabit."—The number of Lectures for each Profesorship is fixed at two a week.—In comparing this with the Statutes of Edward no difference is found. The Cambridge Statutes of Elizabeth, however, give a much more prominent place to Mathematical Studies,* (s. 56,) and this fact also brings us back to the difference so often mentioned.

Note (49) referred to in page 63.

Statutory Regulations as to the Lectures, &c.

The Oxford Statutes of 1636, mostly differ from those of Cambridge of 1571 herein, that only two hours a week were set apart for the lectures, instead of four, and that no mention whatever is made of Canon-Law. The sum of these regulations amounts to the following:—"Let the Civilian Professor expound any part that he pleases of the body of Civil Law, and especially those chapters which are of service for use and practice in this realm.—

* [Does s. 56 mean *statute* 56, or does it refer to *page* 56?]

Let the Medical Professor lecture on Hippocrates and Galen.—Let the Divinity Professor expound some part or other of Holy Writ."—The Professorship of Anatomy was joined to that of Medicine, but this was no addition, as the Medical Professor was already bound to hold at least one course of Anatomy yearly, and to demonstrate upon a skeleton. A real step onwards in these branches, was in the Botanical Lectures, which, however, as well as the Botanical Garden itself, were quite in their infancy. As to the Examination, there is certainly a vacant paragraph in the Statutes after the directions for the Examinations in Arts, (headed De examinandis *graduum candidatis in aliis Facultatibus*) but when the further regulations were completed, and introduced with respect to Arts, no mention was made of the other Faculties; and the paragraph remained evidently an empty one.

Note (50) referred to in Page 74.

Lord Bacon, the Father of Modern would-be University Reformers.

Lord Bacon is in fact the father of all modern opponents and theoretical reformers of all that the English Universities *are* and ever *were* in history. It is remarkable, that four centuries before, Roger Bacon acted very nearly the same part as his namesake; yet he had some nearer historical ground to rest on, considering the [more positive] character of the earliest studies in Arts. Among the many things said by the second Bacon to this effect, the following *later* expressions will serve as an example: "In the moral sentiment and established principles of academicians, of schools, and of colleges, every thing is adverse to the progress of the sciences," (Nov. Org. 90) a proof that the hints given almost twenty years earlier (*De dign. et augment. scient. l. II.*) for the reform of the academic studies, had remained ineffectual, although in the mean time, by the possession of the higher dignities in the State, he had arrived at a position to effect a practical application of his views, and although reforms in the academic studies had been continually carried on, but in another direction. Had his

principles found any favor in the the eyes of the academic ruling powers, opportunities were not wanting to recommend or prescribe such works as the "Organon" either by statute or in some other official manner. However this was not done at the time, nor in the Oxford Statute of 1636; at all events, not in reference to the University studies, properly so called; and this was the real point. For, as far as regarded the preparatory studies of the Colleges, the Old Fathers and the Scriptures were sufficient — and it was only when these had been thoroughly studied and the further and higher scientific developement was concerned, that the choice lay between Bacon and the Thirty-nine Articles.

Note (51) referred to in Page 76.

Petition from Oxford for Radical Reform of the University, in 1659; — Sketch of a Model-College.

One document is interesting, from its analogy to very modern efforts and wishes. It was entitled "A petition from some well-affected persons in the University of Oxford, to the Parliament of the Commonwealth of England.* I shall extract a few particulars from this sketch of Reform. "Every thing in the laws, instruction, customs and persons of the Universities, which could be looked upon as monarchal, superstitious and despotic, is to be done away with. Opinions are to be free. Republicans alone are to be Principals of Colleges: better were it to abolish these than leave them in other hands. Neither the Chancellor nor any ecclesiastic whatever, nor any person in authority is to exercise power, except under the strict control of the Government. All ceremonies, "*tending to enervate and beget pride*" are to be abolished. The public exercises are to take place in the presence of patriotic Senators, that these, when they may be seeking men for offices in the Republic, &c. may be acquainted with the merits of Scholars. Then follows "*A slight model of a College to be erected, &c.*"—

* [*Harleian Miscellanies*, vol. vii. Sundry things by several hands, concerning the University of Oxford. London, 1659.]

Funds for this "pattern college" were to be procured from the Canonries of Christ Church, &c. The Fellows were to have no other income, than what they earned from pupils, with occasional bounties for good conduct. Instruction was to be given only from prescribed text-books. Vacancies were to be filled up from Westminster School, which was to receive a corresponding organization. All students were to be acquainted with the "grounds of the Commonwealth." Their studies once ended, they were to be employed in Government offices. There were to be Professorships for Theology, Civil Law, Politics, (to inspire a love for the Republic,) the Philosophy and Mathematics of Descartes, the Philosophy and Geography of Gassendi, Magnetism, Optics, Mechanics, Medicine, Anatomy, *useful* Logic, civic Eloquence (both in English and in Latin.) Good society was to be encouraged. A third of the Fellows was to go by turns to London, and become acquainted with the world, that they might be qualified afterwards, for embassies, &c. The others were to be employed as public teachers. Commentary upon these propositions is unnecessary.

Note (52) referred to in Page 81.

Expulsion of Locke.

The most detailed account that I have been able to meet with of this often discussed affair, which in Germany (as far as I can make out) has been so completely misunderstood, I have found in an official correspondence between the Minister Sunderland and Doctor Fell, who, as Dean of Oxford, was also head of Christ Church; in which College Locke was also a student. The correspondence is given in the Oxoniana (ii. p. 205, et. sqq.) Whether the King had any reason for his suspicions, cannot be investigated here: but it is absurd to deny or forget that such a thing is possible. When great philosophers mix in political intrigues, they share like other mortals in the disadvantages as well as the advantages of the trade: still more if they are entangled in it in their character of Philosophers. It may be doubtful

whether the King, as special Visitor of Christ Church, was strictly authorised to demand his expulsion, without proof against him; and whether the Dean was bound to obey his command; but considering the character of Doctor Fell, we ought not, without proof, to suppose a violation of the Statutes. That the proceedings against Locke were spiteful enough, appears from Fell's own words, which afford some traits of Locke's character not altogether unimportant.—"He being a person ill affected, I have for divers years had my eyes on him, but so close hath his guard been on himself, that after several strict enquiries, I may confidently affirm, that there is not any man in the College, however familiar with him, who has heard him speak a word either against or so much as concerning the Government. And although very frequently, both in private and in public, discourses have been purposely introduced to the disparagement of his master, (Shaftesbury,) his party, and designs, he could never be provoked to take any notice or discover in a word or look the least concern: so that I believe *there is not in the world such a master of taciturnity and passion.*" The answer of the Minister announces the King's "will and pleasure, that Locke be forthwith expulsed." The whole proceeding and the state of feeling against Locke, proves how far political passions may be carried, even in academic circles, and in men otherwise perfectly honorable, when once the Universities are admitted to bear a political character. No one, however, who understands those times, would assert that there was no reason for enmity towards Locke. It is only curious, that party-instinct should have thus seen through this "master of taciturnity." We must observe that in this whole business, the College alone was called into play, and not the University at all.

Note (53) referred to in Page 89.

That in the earliest Times, Oxford had a Chancellor of its own.

The analogy of the University of Paris, the nature of things, and well known facts of a later period, will assist us in the

establishment of this characteristic of the early Oxford constitution. Two documents of the time of Henry I. and one of Matilda, make mention of the "Cancellarius apud Oxenford," (vide Monasticon ii. p. 145, ed. 1819.) The date of these documents does not appear, but the two first must belong to some period between 1100 and 1134, which was the reign of Henry I. (Beauclerc.)

Wood expressly remarks that mention is nowhere made of any *other* "Cancellarius Oxoniensis," or "apud Oxenford," than the officer appointed to superintend the schools at that place; and this Chancellor is repeatedly named after the beginning of the thirteenth century: so that it is evident that the officer above alluded to cannot be the Chancellor of *Lincoln*, but must have been the Chancellor of *Oxford*.

A document of 1201 is communicated by both Wood and Dyer, which contains the words "domo nostro Congregationis," alluding probably to the Congregation of the Masters. This is the first time in which the Congregation is *mentioned*; but we must suppose it earlier; otherwise it is impossible to understand how the intercourse between the Chancellor and the Masters should previously have been carried on. Before the middle of the twelfth century, scientific developement had reached to such a height in Oxford, that beyond a doubt, this assembly as well as the Chancellor, was already in operation.

The Paris document of 1201, and the Oxford Compact of 1214, which were referred to in our first volume, will have already given ample proof, that there was an ecclesiastical jurisdiction over both Scholars and Masters; and I will only venture on one further illustration of this fact.

In the year 1194, a Papal Bull bestowed upon the Archbishop of Paris and the Abbot of St. Geneviève the power of judgment in the money-matters of persons who were connected with the University, and resident within the limits of the ecclesiastical jurisdiction of either of these authorities, (v. Bulæus, iii. 500.) Ecclesiastical power was indeed, at that time, fully recognized,

and the only innovation was the extension of this power to money-matters.

The Chancellor [at Oxford] was then an Episcopal officer, nominated exclusively by the Bishop.

Note (54) referred to in Page 95.

The Nations considered as Corporations.

Whether these "Nations" ought to be looked upon as Corporations, is a question which I leave to be answered by those who consider the investigation worth their while. As a fact actually existing, we have here a body with certain common principles, common purposes, common laws, and common officers, with religious ceremonies for admission (sacra), and, doubtlessly, also with common property, although it may perhaps only have been of a moveable description. All these matters had obtained recognition on the part not only of the University, but of the Higher Powers. The position of the Proctors is in itself decisive on that point. But, setting that aside, a Royal brief of the year 1274, addressed to the Bishop of Lincoln, (v. Wilkins's Concil. ii. 25,) proves, that also other officers of the *Nations* were recognized by the Crown. It runs as follows: "Being desirous of providing for peace, &c. we lay it on your fatherly care to study to take valid bail of the *Majors* and *Captains* of the scholars studying at Oxford, that the scholars may come in safety without arms," &c. There can be no doubt that these Captains of the scholars are the arbitrators and the sureties of the Nations mentioned by Wood (an. 1265). We must not be led astray by a declaration like that of 1274, which, in fact, was made upon the occasion of a new solemn regulation, and, consequently, recognition of the Nations: namely, "Let there be no parties in the University, but one College and one body." It refers simply to the abuse of their position and the hostile difference which existed. Traces of the *National* and Provincial "*sacra*" are to be found in Wood (v. an. 1434), which also bear a direct reference to the antiquity of the ceremony of

"masses" for the Nations on the day of the Patron Saint. It is well known that similar ceremonies took place at the Universities of Paris, Bologna, &c. If all this is not sufficient to meet the notion of a Corporation, let the Nations be called *Communities*, (as they are termed in the compacts,) or anything else: the facts remain the same.

Note (55) referred to in Page 96.

On the Sworn Officers *of the Nations.*

From the Oxford Compacts of 1252, 1267, and 1274, it appears that not only Masters, but also Bachelors and Scholars took part openly in the consultations [concerning those Compacts]: also that the choice of the "Sworn Officers," (who temporarily at least, exercised a great, if not altogether preponderating, influence, upon the *national*, and thereby upon the academic affairs,) was by no means determined by the Degree, but, beside popular influences, by pecuniary considerations. "Let them be rich," said the Statute concerning the sworn officers; since they were obliged to offer security for their Nation or Province. We find, it is true, (1254) the expression "*Regentes aut non Regentes*;" yet the list given shows that Under-graduates also were elected. Besides, in the Compact of 1274, we find it expressly mentioned: "All the above was done and ordained with the full consent of all Masters, teaching or not teaching, [*Regentium aut Non-Regentium*,] Lords and Bachelors of the University, greater and smaller. The *Lords** are doubtless members of noble birth, whether graduates or under-graduates. Besides, the very expressions made use of in the Royal Brief, quoted in the preceding Note, show that these Captains were looked upon as essentially representatives of the scholars in contradistinction to the Masters.

* [This may seem less certain: for *Domine!* is still the Oxford title of address to every common Bachelor.]

Note (56) referred to in Page 101.

On the actual use of the word Regent.

The following may serve to illustrate all that has been said upon this subject. — I must warn my readers especially, not to lay too much stress upon *names*. The expressions *congregatio* and *convocatio* are used indiscriminately until late in the sixteenth century: thus they are both used to signify the assembly of the *Regentes*, sometimes that of the *Regentes* and *non-Regentes*. The term *convocatio*, however, is the only one employed to signify the latter alone. This was also called *congregatio magna*, and sometimes *convocatio magna*. The expressions *cœtus, conventus, senatus academicus* do not appear in documentary papers with respect to Oxford, and seem only to have been occasionally used by Wood, and in a perfectly general sense. *Comitia* always signifies the regular assemblies of graduates and under-graduates for *Scholastic* acts. All this might be proved by some twenty passages in Wood, were it at all necessary. The expression *congregatio*, however, is the more prevalent one, partly for the larger body, partly with reference to the *non-Regentes:* nor can any fixed distinction between the functions of the Regents and non-Regents be pointed out before the end of the fifteenth century. In the Laudian Statutes it is at length firmly established, but it is there alluded to as having long subsisted: — *prout ab antiquo fieri consuevit — prout de more antiquo observatum fuit — de more recepto*, &c. The Statutes of Edward and Mary give no explanation of the matter. They only casually mention the *congregatio regentium et non regentium*. We cannot aim at a more precise analogy. Accidental points of reference, bearing more or less upon the subject, may be found in various passages, especially in Wood. The first mention of these matters I find in a protocol of 1281, which says: "*Congregata universitate magistrorum regentium, et non regentium, etc.: Magistri et non regentes in partes se trahentes, et regentes similiter per se deliberavere, &c. tum compertum et declaratum unanimi consensu omnium magistrorum regentium et non regentium, etc.*" The

negociations refer to the limits of the authority and attributes of the Archdeacon and Chancellor, consequently to a subject which would afterwards have fallen solely into the hands of the *convocatio*, (without any separation of *regentes* and *non-regentes*.) No mention is ever made afterwards of any such *itio in partes*: but that leads to no certain conclusion. The next indication we have, is the mention of the *congregatio magna regentium et non regentium* in 1311; without any nearer details as to the deliberations upon this occasion. However, several other statutes are referred to, relating to the "*Gradus*" and many other matters, as decided *in congregatione regentium et non regentium*. Further on I find (in 1337, Rob. de Avesbury. Hist. Edward III. ed. Hearne) a deliberation *in congregatione regentium* respecting the election of the Beadles, their duties, fees, &c.

The Beadles were to be elected in the same manner as the Chancellor, and by that is undoubtedly understood *in congregatione regentium et non regentium*. It would have been very extraordinary, for the *regentes* to come to such a decision, in a matter which at all times fell to the competence of all the Masters. Very probably, however, the expression *regentes* is here used in its original signification for *Magistri*, and consequently means both *M. regentes* and *non regentes*. Such a use of *regens* occurs even in the Edwardian Statutes. If we were permitted to suppose a similar confusion of terms in other passages, up to the middle of the sixteenth century, where mention is made of a *congregatio regentium*, or *mag. regentium*, the matter would be much simpler and much easier to explain. For all these cases refer to subjects, which (as the attributes of each party were afterwards established) came before the *convocatio regentium et non regentium*: consequently, in all of them we might properly understand by *congregatio regentium* the *congregatio* (afterwards "*convocatio*") *magistrorum vel regentium*. And this may appear the more probable, as the business which afterwards fell exclusively to the *congregatio* (such as the conferring of degrees) from their very nature could seldom become the subject of history. The only cases of the kind which I have found, are the following: one in 1368, where the

question is about granting the Degree to a Franciscan; and another in 1578, when a Bachelor of Civil Law was to get his Degree. In both cases the *congregatio mag. regentium* must naturally be taken in the latter sense. But, if we may not assume *regentes* or *magistri regentes* to be synonymous with *Magistri*, it becomes no longer possible to decide the bounds between the competency of the two assemblies: or rather, nothing remains, but to conclude, that the *congregatio* (in the later sense) occupied itself occasionally with all the subjects, which afterwards fell to the *convocatio*. This view of the subject may the more easily be presumed, since a similar course was pursued (as a general rule) at Cambridge. I do not consider it necessary to cite the passages bearing upon this point, (1370, 1383, 1396, 1506, 1513, 1522, 1528,) a single one will suffice to show how little information they afford.—In 1522 it was decreed by the *regentes* in full *congregatio* of the *magistri*, that, &c. The question is respecting a measure in favor of the Benedictines in scholastic acts. As a new Statute, the affair ought to have been brought before the *convocatio*, (as understood in a later sense,) which is here called *plena congregatio magistrorum*: but then, why do the *regentes* give their decisions alone? or is *regens* only here used to mean as much as *magister*? Without examining the Protocols, &c. on the very spot, we cannot hope to arrive at any certain result.

Note (57) referred to in Page 102.

School Poem in the reign of Henry III.

A silly poem of the date of Henry III., in which a *Magister* is begged to grant a holiday, might possibly be quoted by some, as proving the great authority of the Masters in that day. It runs as follows:

O Doctrinis vir præclare,
Cujus sensus, tanquam mare,
Redundat in medium;
Nihil posco singulare,
Sed adducor explicare
Voces unus omnium.

"Omnes tuæ potestati
Sumus ultro subjugati,
Non verentes alium:
Sed jam diu fatigati,
Non valemus ultra pati
Scholas et jejunium," &c. &c.

The conclusion is this:

"Ergo, cleri flos divine,
Respirare paulum sine,
Quos vexavit studium
Ne jam tuæ disciplinæ
Nobis fiant *displicinæ*
Vergantes in tædium.
Amen."

But it is far from clear that this has any thing to do with the Universities. Boys at a grammar school are probably the speakers; unless indeed the whole was a joke.

Note (58) referred to in Page 107.

On the position of the Faculties in the English Universities.

In support of what has been said upon this subject, I refer to the Cambridge Statutes of 1570, and to the Oxford Statutes of 1636. It appears as well from the very words of the Statutes themselves, as from the earlier accounts (which, however scattered and scanty they may be, vouch either positively or negatively for the previous existence of the same regulations and circumstances) that both were in all essential matters, merely confirmations of the earlier regulations. Of these accounts, it is necessary only to adduce a few of those which refer to the vain attempts at emancipation on the part of the Faculties, without entering into any of the subordinate points, such as the contentions between the *Canonists* and *Civilians*, and the struggle for precedency between the legal and medical Faculties.

The oldest Oxford document upon the point is of the year 1251.

"The Masters and Bachelors" it says, "have decreed in the room and stead of the Chancellor and University of Oxford, that for the future, none shall commence in Theology until they have first gone through their acts in Arts, &c.; and if any one should obtain by importunity the prayers of great personages armed with authority, in behalf of any one who labors under this defect, let him be deprived of the privileges of the University." This decree was passed in consequence of the attempts of the Theologians of the Mendicant Orders to free themselves from the constraint of the Degree in Arts. It was not a new regulation, but only an enforcement of the old, as a defence against new pretensions. The same reason led upon other occasions (for instance in 1378) to a further confirmation or renewal of this Statute. The term *Bachelors*, must be understood of *Bachelors in Divinity*, and by no means of those in *Arts*. They were Theologians of the *Secular* Clergy, who held on to the Faculty of Arts, in opposition to the Monks. As far as regards Theology, however, this Statute remained in unchanged validity, up to the time of the already mentioned Statute or regulations respecting the *ten years men*. As for the Medical, and especially, the Legal Faculty, it appears from their repeated complaints, that they were originally in the same position as the Theologians. These complaints became more violent in the beginning of the fifteenth century; at which period, in the assemblies of the Church (for instance in the London Convocation of 1417) it was proposed to give a bounty on the Academic Degrees, by filling up Benefices according to a certain scale. Upon this occasion, the Masters considered themselves degraded, because they were placed upon an equal footing with the Bachelors of the other Faculties. "The order of the Degrees is perverted," it was said. "The Philosophical Faculty, which is the foundation of the University as well as of Theology, is deprived of its due favor." (Wilkins's Concil. iii. 383.) And in order to spoil the joy of the higher Faculties, or to compel them to join them in one common cause, they embittered their very existence, by such measures as the Statutes above alluded to, which obliged them *to pass through* the Degrees in Arts, in order to arrive at the advantages offered them. So much

the more did the Jurists and Physicians struggle to free themselves from this constraint, and were occasionally joined by the Theologians, at least by the Monks. All these contests continued through a variety of decisions, some of which were of a very contradictory nature, till the year 1438; when the Masters yielded so far as to agree to be placed upon an equal footing in the stipends, not only with the Doctors, but also with the Bachelors of the higher Faculties; and students in Law were also allowed to omit the Degree in Arts, although under very heavy conditions. The whole contest proved, as we have previously stated (Vol. i. p. 360) merely one "*de lana caprina*," since neither "Artists" nor Jurists ever came to the enjoyment of the stipends. It is possible at the same time, that the "*Artists*" sought to take back their concessions: at least, so it would appear from certain indications. At all events they took the strictest pains to prevent the Jurists from making any misuse of the advantages granted, or extending them any further. Thus for instance, we find that at the same period, some very violent disturbances were occasioned by the *Bachelors in Law*, who endeavored to assume the title of *Master*, without having obtained it according to the regulations of the Statutes: and against this, the University took the strongest measures. Detailed documents respecting this contest about the stipends, may be found, more particularly, in Wilkins. (Concil. iii.)

Another question was the following: Whether in the Academic Assemblies, at least in certain cases, the Votes were to be given according to the Faculties; or whether the Votes of the Masters were to be counted severally? A decision of this in favor of the Faculties, would have given them the advantage in all other points, by a corresponding modification of the Statutes. But such a decision does not appear to have been ever carried out; on the contrary, the original regulations appear only to have been confirmed. A decision of the year 1302, for instance, which we find in Wood, refers to this: "Whatever law," it says, "may have been consented to and ratified by the *Magistri Regentes* and the majority of the *non Regentes*, notwithstanding the dissent of the Faculties." —We find several decisions of the years 1369, 1375, which bear

upon this point, and more especially one of 1433, which decided a violent contest, respecting the election of the Beadles, in favor of the "*Artists*" and *Proctors*, in opposition to all the other Faculties and the Chancellor, and in which the decree of 1302 was expressly confirmed, on the principle "*Universitas revera fundata in Artibus.*" (Rob. de Avesb. ed. Hearne, appendix p. 324.) Farther proof is superfluous.

Note (59) referred to in Page 121.

On the Mendicant Orders of Monks.

This account is principally derived from various scattered notices in Wood. Separate documents bearing upon the subject may be found in Dyer, Rymer, Wilkins and in the Parliamentary Rolls. Wood fixes the commencement of the quarrel, in 1230, and refers to the contemporary disputes at Paris, without detailing the causes. Whether in Oxford likewise the dispute referred principally to the *Divinity chairs*, and whether the Papal restriction relative to the number *twelve* ever affected the English Universities also, is not clear from the accounts before us. The real points of dispute at Oxford and Cambridge, may be best understood by the statement of grievances, laid before the Court of Rome in 1311, by the Dominicans; which were as follows:

(1): The Statute, enacted sixty years before, "that no one should *commence* in Divinity, unless first a Regent in Arts, and that he should not be admitted to this Regency, without the consent of the Chancellor and Masters, any one Master being competent to refuse the favor." "This," they complained, "was a great injury to them, as by the rules of their Order, it was unlawful to commence in Arts." It may be seen from this, how very much the Candidates, even when they went through all the *præstanda*, were in the hands of the *Artists*. To what extent the Mendicant Monks were prevented by their regulations from commencing in Arts, is not very clear to me. The obstacle cannot have been insurmountable, since, in spite of that Statute, Mendicant Monks

continually did commence, and were admitted to the Regency.—(2): The Statute by which Incipients in Divinity were obliged to hold their Vesper Disputations, and Bachelors their Probation Sermons, in the University Church, (St. Mary's,) while, before, the Dominicans had been left at liberty to hold them in their own Church, or their own School. The latter may have been the case at an earlier period, and may have been winked at by the University: it would probably have been difficult to prove a right in the case. — (3): The Statutes whereby only Bachelors of Divinity might read the Bible *Biblice*. They said, "This was a preposterous mode of studying, to neglect the elements of Theology (which, after all, ought to be gathered from the Holy Scriptures) and prepare first for that very difficult task, the explaining of the "Sentences." For it was notoriously less difficult to lecture from the Holy Scriptures than from the Sentences. It was absurd, consequently, to restrict the number of those who explain the Scriptures, and augment that of those who interpreted the Sentences." What they desired by this, was, clearly, to emancipate the Theologians of their own Order from the constraint of the study in Arts: and in excuse, they brought forward perhaps a real fault in the prevailing system.— (4): The Statute, by which the majority of the Masters decided upon all matters, without taking into consideration the opposition of the Doctors of the higher Faculties, *as such*. We have already seen, how in Oxford the Mendicants sought to mix up their affairs with that of the Faculties.— (5): The Statute of 1257, by which no one was admitted to his Degree, without binding himself by oath to observe the Statutes and customs of the University. They themselves, (they complained,) were much injured in many respects, and placed in many ways in great embarrassment by means of this unconditional obligation, whilst many scholars were alienated from them, through fear of violating in some manner, those obligations, by having intercourse with them. —Upon this we have only to remark here, that, fully authorized as the University may have been to demand a guarantee of this kind, yet such an oath imposed so many vague, contradictory, and varying duties, that very many conscientious men, particularly in

the peculiar position of the Mendicant Orders, may have hesitated to take it purely and simply. — (6): That the decisions of the University were generally formed without proper calmness and reflection. Then follow complaints respecting certain events that had lately happened.

The complaints of the Monks referred at all times to some one or several of these points. The University on the other hand, complained of the violation of its privileges, especially with regard to the appeals to the ecclesiastical court, the "*Curia Christianitatis*" of the Archbishop. In addition to these, there were other points of contention, (such, for instance, as the reception of novices under eighteen years of age,) all which were more or less connected with the means, by which these Orders sought to extend their influence. With the exception of the last mentioned points, all the decisions of the higher authorities were in favor of the Universities. In a Compact of the year 1314, however, the Dominicans in Oxford were so far favored, that the Probationary Sermons of *all* Bachelors were ordered to be held either at St. Mary's, or in the Dominican Church. We find at the same time, however, several warnings and rebukes addressed to them respecting abuses of the Statutes.

That Mendicant Monks, when once matriculated in or connected with the University, came under the Chancellor's jurisdiction, may be learnt, partly from several isolated facts, and partly from documentary evidence, either of an indirect and general, or of a direct and decided nature. Neither the Royal Privileges of 1248, nor the Papal Bulls, (as that of Boniface,) contain any exception with regard to the Monks. On the contrary, they unconditionally place "*tam clerici quam laici*," under the Chancellor's jurisdiction. A privilege of 1318 says, with express reference to the refractory opposition of the Dominicans: "Since our ancestors have granted the Chancellor the power of judging all offences whatever, whether of the clergy or of the laity," &c. In truth, the matter speaks for itself: and it is only the contrary that would need any further proof. As a mere illustration, an instance from a later period will suffice. In 1382 two *Minorites* were cited before the Chancellor

of Oxford, for diffusing heretical doctrines in Ireland, "*sub pœnas spoliationis a gradu.*" Ten years before, a *Carmelite* was deprived of his Degree, and expelled from the University. We find mention made very often in Wood's *Fasti* of Mendicant Monks in the office of Chancellor, Proctor, &c.

Note (60) referred to in Page 124.

On the Chancellor and Archdeacon at the Universities.

There is no real need of *proof*, as to the position of the Bishop (and of the Chancellor, as his representative) towards the University. The general customs and arrangements of the Church, and the analogy with all the Cisalpine Universities of the same period, are sufficient.—At the same time, seeing the strange confusion of ideas prevailing upon this point, it may be as well to find room here for some documentary evidence upon the subject.

Among other things we may cite a Bull of the year 1247, addressed to the Bishop of Lincoln. (v. Wood.) "Moved by your supplications we grant you, by the authority of these presents, to forbid any one to teach there (at Oxford), until he shall have been first *examined* and *approved* by you or by Commissioners, to whom you may have granted full powers for this purpose, according to the mode of Paris,"—Mention is evidently made here, of the examination held previous to conferring the "*Licentia docendi,*" as usual with the Chancellor in Paris. The exercise of these functions lay in the very nature of the Chancellorship, as long as they were not performed by the Bishop himself: nor is there need of Wood's addition, (made by him in a note,) that even here the *Chancellor* is meant: for in fact he had always performed these functions in the promotions for degrees, ever since the latter half of the thirteenth century. That the Chancellor, even at that time, represented the Bishop in the general superintendence of the schools, is clear enough from this Bull: yet two ordinances of Robert Grosseteste (of the years 1247 and 1250) prove, that this by no means excluded the occasional direct interference of the Bishop.

That in his academic jurisdiction, the Bishop was generally represented by the Chancellor, is palpably evident from the whole after-course of things. It never could have occurred to the Chancellor afterwards, when his post, as Episcopal Officer, merged more and more in his Academic character, to have laid claim to the Ecclesiastical Jurisdiction, if he had not exercised it before, in the name of the Bishop. That which alone requires especial evidence, is, the occasional interference of the Archdeacon, and the relation of his attributes to those of the Chancellor. There was evidently a period, when the Bishop, according to circumstances, or his own convenience, entrusted the same business at the University, sometimes to the Archdeacon, and sometimes to the Chancellor; or perhaps even by preference to the former, in spite of the original difference of their functions. For it was to the Archdeacon, as Episcopal Official, that devolved the simple Ecclesiastical Jurisdiction (upon matters of heresy, unclean living, &c.) over *non-academic* clergy and laymen, This indeterminate position is clearly shown in the Compact of 1214, which says; "but if it should come to pass that any *clericus* should be taken, &c., as soon as required by the Bishop or Archdeacon or his Official, or by the Chancellor, or whoever may be deputed by the Bishop to this office," &c. The townspeople are then required to tender in their oath of peace "before the Archdeacon of the place and the Chancellor, or before one or other of them, if both are not present."

The position of the Archdeacon is also referred to, in a Royal Letter of the year 1236, respecting the return of the scholars who fled after the riot about the Legate. It commences: "The King to the Archdeacon and Chancellor of Oxford," &c. The same may be inferred by the manner, in which the Archdeacon Robert de Marisco the confidant of Bishop Grosseteste interfered in academic affairs, especially in the year 1248, upon the murder of a scholar of noble birth. In 1251 also, the Archdeacon appears, as mediator between the University and the Bishop, and as the actual representative of the latter, whilst the Chancellor seems already looked upon as a party concerned, as forming essentially *one* with the University. Thus for instance, in the year 1248, [we find a

letter of the Bishop of Lincoln.] "The Chancellor and University of Oxford having written to us, &c., &c., we therefore order you (the Archdeacon) to go over personally to the Town of Oxford and proclaim an excommunication &c., and make most diligent enquiry, &c., &c., and those whom you may find to be guilty, you shall punish by canonical reproof," &c.— Also we find a case in 1251, where the Archdeacon makes a statement to the Bishop respecting certain extensions of the Chancellor's jurisdiction, at the cost (in part) of that of the Bishop, which the University was endeavouring to effect by application to the King. It is not in my power to give more definite details respecting the relative position of these officers.

We may now proceed to the other points connected with the post of Chancellor. We learn by a document of 1201 (important upon this point) that the Chancellor, even at that time, considered himself as belonging to the University, in a sense of which we find no trace in Paris, and such as lay in the nature of a Rector only. "Know all men, that we, the Chancellor of the University of Oxford, with the whole company of the Masters of the same, are bound and indebted to the Prior and Monastery of St. Frideswide, in two hundred pounds of English money, &c. . . . Given in the house of our congregation," &c. There is also a letter from the Archdeacon to the Bishop of the year 1231, from which it appears that the Chancellor of that time as well as his predecessors, made use of the University seal,— that the Bishop looked upon this as a gross violation of the Chancellor's duty towards him — that is to say, as an Episcopal Officer, and that the Chancellor himself was forced to acknowledge this judgment as perfectly correct. "The said Chancellor," says this writing, "has made use of the seal, called the seal of the University of Oxford, in his simplicity, as many of his predecessors have done: moreover, if you so command, he will never make use of it again, and is ready to give up his office at the nod of your good will and pleasure." Since it appears by this passage, that the Chancellor could be dismissed from his post by the Bishop at will, we might conclude with every probability, that he was also nominated by the

Bishop alone. I am quite unable under these circumstances to understand in any other sense the expressions of the Compact of 1214, which says, "52 *solidi* for the use of poor scholars shall be dipensed by the hand, &c. . . . . or of the Chancellor whom the Bishop of Lincoln *may set over the scholars there*." And again, "an oath before the Chancellor of the scholars, whom the Bishop *may appoint*." I grant at the same time, that the positive proofs, that the Oxford Chancellor was, at any time, nominated *purely* by the Bishop, are not *altogether* satisfactory. That at a later period the Chancellor was proposed by vote ("*nominatus*") of the University, and then named and confirmed by the Bishop, is clear enough from the proceedings connected with the presentation of the "*electus*" at the end of the century. To this point we shall return. But the very expressions then used by the Bishop to denote the position of the Chancellor, with regard to himself, appear clearly to indicate that a much greater dependence existed at an earlier period, when he was nominated and confirmed simply and directly by the Bishop. To this effect is an address of the Bishop to the University in 1290, in which he says to them: "As for the Chancellorship of your University,—an office, which until a fixed day now passed, Mr. W. de Kingscote held by our commission and of our special favor; we have thought fit, at the request of your devout affection, to bestow it, until we may give you other commands, on a discreet man, &c. &c. nominated by you to the same office." (v. Wood, ii. 393.) At what time this co-operation on the part of the University first began, I cannot more nearly determine. That it took place as early as the time of Grosseteste's predecessor in the Bishopric, appears from a declaration referring almost expressly to this period, and made by the Bishop in 1294. "*The Chancellors for the time being*," it says, "*were not elected by the Masters, but only nominated.*" We may presume, that this course of proceeding was at first pursued only upon some occasions, and in consequence of some peculiar circumstances, as a favor shown by the Bishop. Should however this participation of the University in the nomination of the Chancellor at all times have existed as a right, it would more strongly

prove the peculiar nature of the Oxford Chancellor, as compounded of Rector and Chancellor, (in the usual sense of the Paris University.)

As an excuse for this very detailed explanation, I may be permitted to observe, that I have never found the remotest indication of any correct view of these matters, indeed scarcely an idea upon the subject, in any of my predecessors. It is only in an (otherwise very unimportant) article of Richardson, in Transactions of the Society of Antiquaries, vol. xii., that I have been able to find traces of a vague boding of the real relation of things.

Note (61) referred to in Page 125.

Whether there may possibly have been once a Rector at Oxford distinct from the Chancellor.

In an earlier part of this work it was too decidedly and unconditionally denied, that there ever was a Rector at Oxford as Head of the University; when in fact I did but desire to protest against confounding the terms Rector and Chancellor as only different names for the same thing. I believe however that it is impossible to show, that the Head of the Oxford *studium* was at any time called Rector: for the expression *Rector Scholarum* which occurs in Oxford, after the beginning of the eleventh century, may be taken just as well to mean *Magister Regens*. Least of all is there any authority for doing as Wood has done,— namely, bringing forward *Rectores* of this kind in his catalogue of the *Chancellors*, when the "Cancellarius Oxoniensis" is mentioned in documents, by function and by name, immediately after the commencement of the twelfth century. It is certainly *possible*, (although improbable,) that the expression may have really sometimes been used in earlier times, to signify the Rector of the University, whom we must then imagine to have existed *in addition* to the Chancellor. Grosseteste's statement (Wood A. D. 1294) is remarkable; "That when he was Chancellor, the Bishop of that time would not permit him to be called 'Cancellarius,' but only 'Magister Scholarium,' (*vel*

Scholarum)." We might perhaps conclude from this, that such was the usual title of the Rector of Oxford, so long as there existed one separate from the Chancellor. Why the Bishop chose to have his Chancellor so called, is not very clear. That like most of his predecessors, and all his successors, he really was at the same time *Magister Scholarum* (that is to say, *here*, "Rector Universitatis") is no reason: for otherwise, the Chancellors might always have been thus styled on the part of the Bishop. I am inclined to think that the appellation was uttered in anger. The Bishop may have thought: — "If you choose no longer to be looked upon as my *Chancellor*, if you choose to use the academic seal, and be considered as belonging to the University, as proceeding out of it, and not as nominated and authorized by *me*, then you may be that; and be called whatever may remain to you after I have withdrawn my authority from you; that is to say, Rector, Head of the University, *Magister Scholarium*." But what if from the very first, there existed at Oxford *only* an Episcopal Chancellor, who then, like the Chancellor at Paris or elsewhere, *originally* combined the functions of *Capischolæ*, *Magister Scholarum*? What if the difference consisted merely in the fact, that in Paris these two functions were severed in the after-progress of things, whilst in Oxford, the two remained combined? —This explanation sounds very plausible at first; but there is neither trace of the fact, nor the least probability, that the *Oxford Studium* rose out of the Cathedral Chapter to the Bishop of Lincoln, and grew up as a part of this Church, as the Paris *Studium* did out of the Cloister School of the Cathedral of Paris. *Had the Lincoln Cathedral developed a scholastic organ of this kind, it would have been at Lincoln and not at Oxford.* The reasons which tend to prove a completely different origin of the Oxford schools, must not be entered into here. The existence, however, of such a *Studium* once established, it was to be expected from the analogy of such matters in the West, that the Bishop would interfere by one of his officers named a Chancellor, although he may not have performed all the duties of such an office. Such an interference on the part of the Church may well be presumed: especially under the circumstances of the Conquest.

Not the slightest trace is any where to be found of any thing in defence of the opinion which Ingram puts forth as a matter of course, that the University rose out of a school belonging to St. Frideswitha. There is much to be said for the idea, that the Proctors were originally in the place of Rectors, each for his Nation, by the side of and over against the Chancellor; especially if what Walsh asserts be true, (v. Hist. Account of Univ. of Cambridge, &c.,) that the *Procuratores* in the oldest Statutes are mentioned also under the name of *Rectores*. However, I consider such vague assertions of little importance.

Note (62) referred to in Page 127.

On the refusal of the Bishop to confirm without personal presentation.

Beside the accounts to be found in Wood relative to these matters, we may cite the following as characteristic of the disputes. Parliamentary documents of the year 1290 state, "The Masters of Oxford declared, that they were never used to send their nominee [electum suum] out of Oxford for confirmation, but he was always confirmed by his messengers, and the Bishop's commission transmitted to him. The said Bishop however declared that the commission was of his own pure free will, so that when granted through his messengers, this was of his pure favor. And because the said Masters wanted to turn his favor into a right and custom, the said Bishop did not mean to continue it. At length the parties agreed thus: viz.: that the first time when the said Masters elected a Chancellor, the said Bishop came so near to Oxford, that the Masters of the same University could come to him to present their nominee, and return without losing any lecture, . . . &c. And that if the Bishop shall be at a distance, he intends of his favor to receive them by proxies; but in no other way than of his own pure favor and free will." (Rolls of Parl. i. p. 16.) The reasons why the Bishop required the personal presentation we find expressed in 1288:—"The Bishop," says this passage, "refused to admit the presentation by proxy, asserting that he did not

choose in any way to commit to a person absent, and unknown to him, so great an authority and jurisdiction, which not only extended itself to things corporal, but also to things purely spiritual." That, on the other hand, the fears of the Masters relative to the dangers of any possible prolonged delay, were not altogether vain, appears plainly enough from the lengthy proceedings carried on before the London Convocation in 1350: upon which occasion, the Archbishop, after the repeated refusals of the Bishop to ratify the election of the Chancellor without personal presentation, himself confirmed him in office,—"considering the dangers which would probably threaten the University by leaving vacant the said office." (Wilkins's concil. iii. 3.)

Note (63) referred to in Page 128.

Disputes respecting the spiritual attributes of the Chancellor.

The dispute as to the spiritual attributes of the Chancellor assumes a more decided form under Bishop Oliver Sutton; although there are indications of the kind to be found under his predecessor. Wood says, (A. D. 1281,) "As the Chancellor had claimed several ecclesiastical rights, and had been accustomed to take cognizance of the offences of the clergy, which came under *the Court of Christianity*, Oliver Sutton, &c., called him to account for these doings, concluding his authority to be brought into contempt; on which account he designed to despoil the Academy of this right for the future." He allowed himself, however, to be soothed, (as the then Chancellor had or won his favor) and expressly granted him the further exercise of these attributes, with the proviso, that the appeal to the Bishop should remain. This is clear enough from the promise which he gave not to withdraw any "notorious offenders" from the punishment adjudged them. The quarrel, however, broke out afresh. The extent of jurisdiction claimed by the University against the Archdeacon, may be gathered in part from the transactions of the Convocation mentioned by Wood shortly after. The principal points are: the Proving of Wills, whether of clergy or

laity, and the superintendence over both, in matters of Police and of Morality, especially by means of an Inquisition to be held at indeterminate epochs, and in an unexpected manner, in different parts of the town. The length of time this state of mistrust and irritation lasted on both sides, or at all events on that of the University, may be seen in a statement made by Wood, (A. D. 1458,) when the University protested violently and solemnly against admitting the Bishop, even as arbitrator in a quarrel between it and the Townspeople. The dispute with the Archdeacon also lasted very long, and was recommenced by the latter of his own accord in the fourteenth century; the office having been bestowed by Papal provision upon a Roman Cardinal, who, under the influence of his own rapacity or that of his agents, sought to extend his jurisdiction as far as he could. All the former subjects of dispute being re-excited, and the whole affair brought before the Roman Court for decision, the University was put to immense trouble and expence. After the matter had been taken up by Pope, King and Parliament, it was at last decided in 1345, upon all essential points in favor of the University; whose jurisdiction within the above mentioned limits was confirmed. It would be superfluous to enter into details, but in addition to Wood, I refer my readers more especially to Rymer, who communicates numerous documents and writings bearing upon this subject.

The confirmation by the Synod of Reading in 1279, (v. Wilkins's concil. ii. 39,) of the right of the Chancellor to deal out ecclesiastical reproofs and punishments, has already been mentioned. This confirmation of the right does not exclude, but rather tends to support the idea, that it may have been previously exercised. In consequence of his exemption from the episcopal and archi-episcopal jurisdiction, the exercise of these and similar spiritual acts, (such for instance as absolution,) was claimed by the Chancellor, as proceeding directly from the "*potestas apostolica.*"

Note (64) referred to in Page 131.

On the Right of Episcopal Visitation at both Universities.

Upon this as well as upon many other points, less information is derived from the Cambridge accounts, than from those of Oxford. As to the election and confirmation of the Chancellor; beside the general notices in Fuller and Dyer, no further proof of the analogy with Oxford is necessary. The Bull of 1402, which did away with the ratification by the Ordinary, I find quoted in Dyer, (i. p. 32.) Whether it is any where printed, I do not know. With respect to the appeal to the Ordinary, it was expressly claimed in the Compact of 1276. "If it be necessary," it says, "in matters in which the Church is judge, recourse shall be had to us or our deputy." I find however as early as 1314, the following:— "Royal letters were addressed to the Bishop of Ely and his deputy, to send in future no summons to take cognizance of decrees, to the hindrance of the University liberties." (v. Dyer.) The affair however was not decided till 1430, by the *Barnwell* case, "in which is contained the opinion of the delegates, as to the use and exercise of the ecclesiastical jurisdiction towards scholars and others under rule," &c. In this case, the Pope, as is remarked by Dyer, (i. 38,) made enquiry by delegates, whether the University ought to be subject to the ecclesiastical jurisdiction of the Chancellor, and exempt from every other; and gave his delegates full power, if they found the case so to be, to confirm this jurisdiction and exemption: which really took place. The Episcopal right of *Visitation* has, it is true, been disputed and denied, but to my certain knowledge, it was recognized even in the Bentleian contests. In Cambridge as well as Oxford, so long as the position of the Chancellor was uncertain, his jurisdiction often came into collision with that of the Archdeacon. Upon this point the decision of Hugh de Balsham (already often mentioned) is of importance. The result in all essential parts is the same as that of the Oxford negociations in 1281 and 1345. All that belonged *bonâ fide* to the University, fell to the Chancellor and every thing else

to the Archdeacon. The position of both towards the Ordinary is very distinctly defined in the following words:—"Whereas the jurisdiction of the said Archdeacon is plainly distinguished from the jurisdiction of the said Chancellor, as well in the nature of the dealings, [*contractuum*,] as in that of the persons and causes, and it is ascertained that both are immediately subject to us," &c. Balsham's connexion with Cambridge may be compared to that of Grosseteste with Oxford: and the quarrel may probably have begun under his successor. I find that Lamb (Collect. &c. p. 12) communicates a document relative to the occurrence of 1529, from which he thinks he can adduce arguments against the Bishop's right of Visitation; but like almost all his predecessors, in treating of Oxford and Cambridge, he confounds the right of Visitation with the Jurisdiction. As well in the Barnwell case as in this affair, it is the latter and not the former that is referred to.

Note (65) referred to in Page 132.

On the Functions of the Chancellor.

The functions of the Chancellor are certainly described in as comprehensive a form in the Elizabethan Statutes of 1570 as any where else. "The Chancellor," it says "shall have authority, summarily, and without any legal solemnities, to hear and decide, according to civil law" — (probably before the Reformation, it was, *Civil or Canon Law*,) "and their own privileges and customs, all disputes of all scholars and scholars' servants: to call Congregations of the Graduates and Scholars: to adorn deserving men with Scholastic Degrees, and to reject and repel the undeserving: to punish all violators of these (statutes and privileges): to take care, moreover, that every University-servant keep to his duty: to punish idle strollers, spendthrifts, sulky and disobedient, by suspension from their Degrees, by imprisonment, or any other lighter punishment, at his discretion, and with the consent of the Heads of the Houses." (Of course this clause was not in existence before the developement of the Colleges.) "For the same Chancellor

it shall be lawful, with the consent of the whole University, to enact new Statutes for the extension of learning and the preservation of decorum and propriety among the Scholars."

The attributes exercised by the earlier Chancellors by *apostolic authority*, namely, excommunication, absolution and ecclesiastical jurisdiction, were in a great measure abolished by the Reformation. The Cambridge Chancellor however still at the end of every term grants ("by the authority committed to us") a general absolution for all unintentional violations of the Statutes.

As to his Veto, the existence of it is denied by modern liberal writers, such as Walsh and others: but this can only show their shallow prejudices. If we consider realities rather than forms, a Veto was contained in the Chancellor's authority to convoke the University; in the admitted fact, that every transaction, every decision, which did not take place in presence of him or his deputy, was invalid. (Walsh, p. 29.) He could thus at any moment end a conference, and stop a measure by breaking up the sitting. Besides, there is no doubt, that it lay with him to prepare the business for deliberation: although naturally his will or caprice alone could not determine such matters without reasonable grounds. (v. Lamb. Collect. p. 16.) If the above may seem to prove *too much*, the following is decisive. In the first place, Walsh appears not to have noticed, that the Veto is most decidedly ascribed to the Chancellor in the Statutes of 1549, so highly praised by Walsh for their republican liberality of opinion. We find in them, word for word, the same enactment, as that which I have cited above from the Statutes of 1570, decried by Walsh as tyrannical. "To the same Chancellor also it shall be lawful with the consent of the whole University to enact new Statutes," &c.: an arrangement, which, beyond a doubt, makes the concurrence of the Chancellor with the University essential to Academic legislation. As now the Edwardian Statutes in so many points return to an earlier state of things, even from this we might infer that the arrangement belonged to the very oldest Statutes, or at all events to the earliest practice of the University. The inference is fully confirmed by two Statutes of 1303. (v. Lamb Collect. p. 21.)

(1.) The first says: "By the authority of the whole University, it is ordained, that in decreeing, &c., &c., that alone shall be accounted a Decree (Statutum) which shall have been decreed with the consent of the larger and sounder [sanioris] part of the said Regents, and with the consent of the non-Regents." — Lamb fancies, in his favorite way, that the *jus statuendi* was then, and by that means, first transferred from the Chancellor to the Senate: but this needs no refutation. The object is evidently only to protect the decisions of the majority against *factious* minorities.

(2.) The next Statute, — "On the duty of the Chancellor not to innovate," says: "Let not the Chancellor presume to pass any new Statute, without the consent of the larger and sounder part of the Regents and non-Regents." — The sense is palpably the same as in the clause of the Statutes of 1549: namely, that neither the Chancellor nor the Senate could decide any thing alone, and consequently, that the former had a Veto. Of course every proposal that fell within his own sphere, he could *à fortiori* reject. As to the old Statute quoted by Walsh, (p. 26,) "That the Chancellor is bound to execute the decisions of the Masters, when they had been announced to him;" it is impossible for me to take it into consideration, without having the original Latin before me; for I am aware of the caprice of these Gentlemen. As here translated, (perhaps freely enough,) the passage is either nonsense, when we consider the well known system of procedure, or only proves that the Chancellor was bound to *execute* the decisions of the Statutes which had been *enacted* with his consent in the manner described. — As for Oxford, we may presume that the usual analogy holds good. Besides, the point is distinctly proved in the Statutes of 1636; and there is no reason for thinking it an innovation.

That both in Oxford and Cambridge from the remotest times the Chancellor *did* possess a negative vote, in my opinion can scarcely be doubted: *how* he obtained it, is not so easy to say: particularly when there is so much confusion as to the original Chancellor and Rector. No Rector (at least to my knowledge) ever possessed a negative attribute of this kind. In the Chancellor,

on the contrary, we often find something of the kind, as he originally had to defend the rights and interests of others *against* the University; thus, in Oxford and Cambridge, the rights and interests of the Ordinary. This may explain how the Chancellor not only kept the right in latter times, but even extended it to matters which *perhaps* did not before concern him. I say *perhaps*: as it would be very difficult to name any point, in which the Ordinary, (or the Chancellor in his name,) might not have interfered as Visitor. According to a documentary account in Wood, dated A. D. 1257, some *other* Episcopal Officer, — the Archdeacon, for instance, — was accustomed in those times to be present at the deliberations of the Masters, in order to watch over the rights of the Ordinary: probably, because the Chancellor was even then being more and more drawn over into the "*Corpus Scholasticum*," and estranged from the Bishop.

Note (66) referred to in Page 133.

On the Courts of Jurisdiction of the Chancellor.

It appears to me quite unnecessary to enter into any further explanations respecting these matters, or to give any detailed evidence upon the point, as I cannot imagine that any objections will be made to what has already been advanced upon the subject, which more properly belongs to the Law department. The procedure in the Chancellor's court is prescribed in detail by the Cambridge Statutes of 1570, and by those of Oxford of 1636: — undoubtedly in accordance to long existing Statutes and usages. The rest may be gathered from scattered notices and general deductions, the indication and repetition of which would lead us too far.

As to the Penal Code, Wood asserts, it is true, that fines of money were introduced in 1433 first: but it would be very easy to prove the contrary. In fact, he almost does this himself: for he adds, that the fines were "originally" paid over to the University, but afterwards divided between the Chancellor, Proctors and the

Common Chest. This error arises, as in many other instances, from the injurious habit of regarding any single documentary or other unconnected account as decisive.

Note (67) referred to in Page 134.

Concerning the Commissaries.

As to these Commissaries, I depend upon the statement of Wood, (ii. 387,) which is confirmed in the "Fasti" and in other incidental accounts. The *Hebdomadarius* or *Assessor* appears to have been a more permanent office. The former title is used in the Compact of 1267 between the Southernmen and Northernmen. "If umpires* are not to be had, let the matter be judged by the Chancellor or by the *Hebdomadarius*, or by judges appointed for the purpose." What is meant by these *judges* is not very clear to me: — they were probably umpires.† The same need must have been felt in Cambridge also. For instance in the year 1406, we find mention of a Chancellor, who was sent to Rome as King's orator. (Wilkins's Concil. iii. 190.) No doubt, on such and similar occasions, recourse must have been had to the same measures as at Oxford.

Note (68) referred to in Page 135.

On the Functions and Duties of the Proctors, &c., and on the Veto.

A long list of the functions and duties of the Proctors, at about the beginning of the fifteenth century (as it appears) is given by Wood, (ii. 387.) It will be as well to quote it here. "It was formerly the business of the Proctors to give judicial and penal sentence against all those who did not come to the schools, those who passed their Lent in the schools *(trahentes in scholis quadragesima)* those who "determined" when of insufficient standing, or without the logical disputation, those who did not become

* [*Arbitris.*] † [Austräge.]

candidates for a degree, *(non accedentes ad licentiationes,)* those who did not obey the admonitions of the Chancellor, those who transgressed the Privileges or Statutes, those who did not come forward as opponents to the inceptors, who did not pay the Masters, did not read (lectures) in their established order, *(modo suo consueto,)* were too late or too early with their stated duties, *(ordinaria,)* did not choose to discharge the business of the University, did not come in proper time into the schools, did not wear their dress and tonsure decently, did not keep the names of scholars, did not read aloud the muster roll,* did not obey the regulations of the Proctors, begged a suspension of the peace for three years, *(impetrantes pacis suspendium per triennium,)** all who were suspected in any manner, who joined the mob, refused to go to prison, payed managers *(mancipes)* or tailors *(scissores)* higher than the Statutes allowed, trustees (of the public chests) or bailiffs who did not give in their accounts, jurymen *(judices)* who did not obey the *confulsiones*, Advocates and Proctors who went beyond [*the confulsiones?*] Wood moreover expressly states, that this list by no means contains all the attributes and duties of the Proctorial authority. "Inasmuch," he says, "as even at the present day it extends to preserving the peace of the town, and punishing laymen who are unruly or refractory, or who at improper times frequent the taverns," &c. See also the Oxford and Cambridge Statutes. As far as regards the *Veto* of the Proctors, it is preserved in the Oxford Statutes of 1636; in Cambridge this was probably transferred, like the Veto of the Chancellor, to the *Caput*. It was perhaps originally directed against the Chancellor, when the Proctors were Representatives of the *Nations*; — or else against the Masters, as, in the *Nations*, the undergraduate democracy certainly prevailed. Afterwards the Veto† of the Proctors, like that of the Chancellor, was extended to all transactions except the elections. The whole affair however is not clear, and appears to me remarkable.

* [The Author annexes notes of interrogation to these two items, as if to indicate that he felt a difficulty.]

† [The Veto was lately exercised by the Oxford Proctors in the affair of Dr. Hampden.]

Note (69) referred to in Page 139.

Cambridge Decree of 1522 *appointing a Public Orator.*

I refer to the expressions used in the Cambridge Decree of 1522. (v. Dyer's Priv. i. 213.) "Whereas our commonwealth," it says, "has been much endangered by the want of letters to ask the aid of great men against our adversaries; since individuals refuse the task, partly from the scanty remuneration offered, partly for fear of the authority and might of those against whom they may have to write: we have thought fit, &c., &c., and we decree that a Public Orator be elected," &c. According to Wood, (ii. 47,) an Orator was elected for life at Oxford first in 1564. The University had previously managed as best it could. The Chancellor commissioned his Registrar or Secretary, or any one else whom he might consider fit for the purpose, to perform these functions. The Secretary probably performed also the office of Keeper of the Records, for which an especial post was created in 1633. Such at least is Wood's opinion.

Note (70) referred to in Page 140.

On the Beadles of the Universities.

They were called "*Bidelli, præcones, viatores.*" According to Wood, (i. 239,) there were formerly six in Oxford, and besides, a *rodbearer* and a *crossbearer*. No mention is made of these afterwards. The Cambridge Statutes speak: — "Of the nomination of [Barnaby?] lecturers, of beadles, of stationers* [or sentinels?] of guagers, winemerchants, and other servants and officers of the University," under which are included also the artisans, vintners, &c., licenced by the University. In modern times a distinction was made between Esquire Beadles and Yeoman Beadles; offices which correspond to the Upper and Under Beadles in the German Universities. In Oxford we find also a Bailiff, whose

* [Lat. Stationariorum.]

chief office it would appear was to superintend the University buildings. Whether the Registrar ought properly to be reckoned among the "Servants" *(ministri)* I cannot say. The functions of the Beadles in Oxford and Cambridge are however less of a police nature than in Germany. This may be explained by their being so much more employed in scholastic solemnities and other business; while in the English Universities the Proctors chiefly superintend police matters, thus performing the duties of our (German) Upper Beadles. Two or three times we find mention made also of Beadles of the Faculties.

Note (71) referred to in Page 149.

On College Tuition and the Veto *of the Head.*

The best general idea of the legislation, economy and discipline of a College might be gathered perhaps from the Statutes, both ancient and modern, of Oriel College, communicated by Hearne.* The report of the Royal Commissioners, in 1546, respecting the Finances of the Cambridge Colleges, given by Lamb, (p. 61,) proves that upon the whole the staff of a College was arranged then nearly as now; and of the officers there mentioned,—namely, the Head, the Dean, (who was in the largest sense, Censor Morum,) the *Bursar*, and the several Tutors and Lecturers,—undoubtedly the latter only were of more modern origin, and were the result of the progress in classical studies. If we compare the Tutors and Lectures of that time, with those of the present, we shall find that every Fellow was *authorized* to have one or two pupils, and the Head four; more as a sort of guardianship over the conduct of the youth, than for giving instruction: although this arrangement did not exclude private tuition. The principal business was the management of the pecuniary matters of the pupil. The College instruction, and the direction of the examinations and other exercises fell to the Lecturers. Walsh gives us some very useful notices upon these subjects. In the absence of the

* (Thorkelowe, vita Edwardi II. Append.)

Head, a deputy was elected, on each occasion afresh, it would appear. For the older Fellows to have larger revenue and greater influence, seems have been common in all Colleges, although it might be difficult to point out any express Statute to this effect in many of them. This is too natural to deserve further remark.

I will here cite, only as an isolated curiosity, the meaning of which is not clear to me, a document with the date 1464, entitled, "An amicable Agreement or Compact between Queen's College, Cambridge, and Eton College, with the Wykehamite College, at Oxford, [*i. e.* New College,] and near Winchester; that they may rejoice [*ut se gaudent*] in mutual defence." This document is mentioned in the Oxoniana, and is printed at length (if I am not mistaken) in Rymer.

There is one point, however, which requires further explanation — namely, the *Veto* of the Head of the College. The Liberal Opposition brings forward this point among others, as a usurpation of the Elizabethan period, and they certainly can appeal to the contemporaneous complaints of their predecessors: — yet, whatever may be the propriety of such power in such hands, this arrangement belongs so completely to the original disposition of College matters, that it is probably taken for granted in the Statutes. In fact, when we reflect that a College was *originally* a society of youths, and in part boys, brought together for the purposes of study, whose superior director was an elder man of talent,* to whom was confided their superintendence, and the direction of their corporate affairs, it is almost impossible to imagine that he did not posses a *Veto*. If the Fellows themselves chose their Principal, and jointly decided all matters of importance, as elections, &c., this rendered a supreme Veto so much the more necessary. For the same reason, and lest an unsuitable man be chosen as Head, the Visitor also had a Veto on his election: and

* [Without disrespect to the numerous able men, who have filled or fill this post, the assertion in the text seems far too strong. *Poverty*, not *Talent*, is the indispensable Statutory qualification for being a Fellow in most Colleges: and in none whatever can it be pretended that the Statutes justify a strong presumption that the Head will be an abler man than the Fellows. But theVeto, if I rightly understand, is that of the Head *against the Fellows*, some of whom also may be older than the Head.]

this is the reason why his qualifications are not in all Statutes exactly defined. It was as superfluous expressly to recognize his *Veto*, as the Visitor's. Decisions, which he could neither approve nor execute, and elections, which he refused to ratify, naturally remained in suspense, until the Visitor had decided: and it was always to be presumed, that the latter would support the anthority of the Head. We do not speak here of wilful and arbitrary conduct, manœuvres, or evil intrigues. These were exceptions, in which the Fellows also were able to have recourse to the Visitor.

At the same time, we are by no means without distincter evidence, in support of the *Veto*. In the first place, the Chancellor and Heads of the Colleges in Cambridge declared very decidedly before the Council of State, in reply to the complaints of the Opposition in 1572, (Lamb p. 384,) that the negative vote was contained in the Statutes of all the Colleges, with the exception of two or three. Beside this, they appealed to a Royal Ordinance of 1543, concerning the government of Colleges; nor can any one take it amiss, that I lay more stress upon this testimony, than upon the vague, confused, and exaggerated complaints of the Opposition, which moreover are directed chiefly against the injurious tendencies of this Veto, and but seldom attack it as a usurpation. Unfortunately, I am scarcely able to judge of the College Statutes, either in Oxford or Cambridge, from personal inspection. Neither Wood, Parker, Dyer, nor any one else gives satisfactory explanations in this respect. The statutes, however, which are communicated by Parker (p. 178) as given by Richard II. to King's Hall in Cambridge, contain matter referring to this point. In the first place, there are many regulations in them, which mark the great power of the Head over the Fellows in matters of discipline. The following document is a proof of this: — "In all great and arduous business of the said house, the aforesaid Warden shall undertake nothing without the consent of all the Fellows, or of the greater part of them: but in all other business, the Warden may ordain, and dispose as may seem most fit," &c.— Should any one still doubt whether the *Veto* of the Warden is here implicitly expressed; (*i. e.* the principle, that no matters of importance can be undertaken

unless he concurs with the majority of the Fellows,) the sense of the following, at all events, is* evident. "Also, if any person or persons be elected to any office *by the Warden and the majority of the Committee* (*comitivæ*), &c., let it not be lawful to decline this office."—As to the admission of new Fellows, the final veto may certainly be found in the duty of the Head† to examine new candidates. The Statutes of Oriel College, communicated by Hearne, fully agree in this particular. In the very first Statutes, we have the following (Thorkelowe, appendix, p. 304): "No letter shall be written or signed with the said seal, unless first examined by the said Provost and Guardians [Trustees? *custodes*]; or, if it concern any great matter, by the said Society, and sealed in their presence."—In other words,‡ the principle is precisely the same as that above alluded to. It may be found even still more decidedly, in the title, introduction, and manner of drawing up of all the later Statutes, in which mention is made, at the same time, of the position of the Visitor—for instance, in the supplementary Statutes of 1364 (p. 307). "The ordinances," they are called, "of the Provost and Scholars of the House of the Blessed Mary, at Oxford, confirmed by Henry, Bishop of Lincoln, by the *common* consent of the said," &c. And further on we find the passage, "Let all men know, that the ordinances written below were made and established by the Provost and

* [It might rather seem, that this argument has *less* strength than the preceding. The enactment does not give the Head a veto on something that the Fellows desire to do; but deprives the Fellows and Scholars, *as individuals*, of the liberty to decline a duty which the Head and the majority of the Committee *concur* in imposing on them: *e. g.* to accept the office of Tutor, Dean, Bursar, &c.]

† [If this be a just inference,—(I confess I do not see the weight of it,)—the courtesy and good feeling which prevails between the Head and Fellows, has in many Oxford Colleges reduced this veto to a mere theory. If I do not mistake, in some Colleges the Head gives a double vote, but that is all.]

‡ [Our Author's *opinion* on the matter may be very just, and it is far from my thought to controvert it; but the *arguments* which he adduces, seem to me to weaken his case. The College Seal was probably in the keeping of the Provost; and whatever letter or deed was signed with such a seal, legally implicated the whole Collegiate corporation. Hence it was possible that he might even alienate the College property, if some check were not placed on the use of the seal: and to avert this danger, the Statute requires, that in ordinary cases the *Custodes*, in extraordinary the whole body of Fellows, should have a joint control over the sealing. But how different this from vesting in the Head a right to resist the unanimous wish of the Fellows!]

Scholars," &c. And that this formula was the one generally observed in all Colleges, for such and similar acts, is evident enough from the statements of Wood and others, so that, in this respect, it is almost indifferent, whether we have any really perfect Statutes before us or not: for, although the minor part of them perhaps may have contained a clause expressly declaring that the Head had a right to a Veto, yet the absence of such an express declaration only proves, under the circumstances, that it was looked upon as a fact which no one doubted. It is really a pity, that the confidence with which assertions are made, in order to flatter preconceived opinions devoid of historical truth, should render it necessary to enter into detailed explanations of points, which may be regarded as a matter of course.

Note (72) referred to in Page 150.

Authority of the Heads of Colleges in the University.

We can find, even early in the fourteenth century, traces of a direct communication between the higher Powers and the Heads of the Colleges, in which the latter are looked upon as, at least in conjunction with the Chancellor, Heads of the University.

A Royal Letter, of the year 1339, for the maintenance of the Statutes and Ordinances, against the disorders occasioned by the butchers; is addressed to the Chancellor and the Warden of Merton College (v. Wood). This case, however, cannot be looked upon as an isolated one. On the contrary, it authorizes a conclusion, "à fortiori," that if the Warden of Merton was called upon to give his co-operation in such a case, in which he and his house were by no means directly concerned, and which treated of matters not at all belonging to the University, how much more in those which bore upon the Academic discipline. The want of more documents and notices of this kind (with reference to other Provosts and Wardens) is no argument against this opinion, since so little has been preserved at all.

Next, as to the exercise of Ecclesiastical authority, [by the

Heads,] I know of only one decided instance; but it must not, in consequence, be looked upon as an anomaly. The ninth clause of the Arundelian Constitutions of 1408, refers expressly to the co-operation of the Heads of the Colleges, in watching over and rooting out the Lollard heresies. We need no evidence, (yet evidence we have,) that, under these circumstances, the Chancellor could not avoid consulting with the Heads of the more considerable Colleges, on the execution of the Statutes, and, consequently, on proposals and discussions which bore reference to them. Independently of the first traces of the *Black Congregation*, we find that the Chancellor of Oxford, in the fifteenth century, assembled the *Principals and Heads of Places*, (the word Places being evidently used for Houses,) and called upon them to admonish their scholars, to observe in the strictest manner the prohibition of intercourse issued against the University's hereditary enemy, Alderman Haynes. We cannot* suppose, that they would have agreed in such measures, if the prohibition had been issued by the Convocation, *against* their will. Again, in 1512, the Chancellor consulted with the Heads of Colleges and Halls, as to stricter measures against the Chamberdekyns.—Of course matters took a similar course in Cambridge. I can find no decided evidence upon this point, prior to the first half of the sixteenth century: but that is of such a nature, as to render the ancient origin of proceedings of the kind undoubted. I refer to various writs addressed upon very different subjects, to the Vice-chancellor and Heads of the Colleges, by the Privy Council,—contained in Lamb's Collection.

Note (73) referred to in Page 159.

The Visitations of 1555–7.

[There is something in the dates of this Note, which I cannot understand; but I have not the means of verifying them. I add this notice, merely that they may not be taken for misprints.]

The documents relating to the Visitation of 1556, in Cambridge, and its consequences, together with the journal of the Registrar at

* [This argument seems to me to lean decidedly the other way.]

the time of the Visitation, were, I believe, first printed by Lamb. The course which, on the same occasion, matters took in Oxford, may be easily comprehended from Wood's account. From all these documents it is very clear, that the expression, *Mary's Statutes*, (in the same sense as those of *Edward*, &c.,) is, in strictness, false. The course taken was as follows.

First, a letter was addressed by the Queen, to Gardiner, who was regarded by her as Chancellor, both *de facto* and *de jure*, (completely overlooking his deposition, &c.,) and who was also immediately again elected, or rather recognized, as Chancellor, by the University. In this letter, he was called upon to see the restoration of the "auncient Statutes, foundations and ordinaunces of the University, which, without sufficient authority, only upon the sensuall mindes and rashe determinations of a few men had been muche altered and broken, and almoste utterlie subverted." Of course, the Edwardian Statutes were thus set aside, although they had partly revived the very oldest Statutes; as in the election of the Proctors, by which the Cycle of 1514 was suppressed.

In the second place, certain general regulations were issued by the Chancellor, which dwelt more particularly upon the subscription of a Catholic confession of faith, in fifteen articles. In addition to what has been already said about the Test Oaths, I may here remark, that, according to the documents published in Lamb's Collection, (p. 161,) nothing but the death of Edward VI. prevented the compulsory subscription of the forty-two Protestant Articles.

Then succeeded,—from January to May, 1557,—the Visitation made by the Commissioners of Cardinal Pole, the Pope's Legate, who had been elected Chancellor in 1555. The aim, and the result, of this Visitation, was provisionally to restore things as they were before the Reformation. Yet it was not overlooked, that there had even previously been many evils, complications, and contradictions; and immediately after the termination of the Visitation, in May, 1555, the "Ordinances of Reginald Pole, for the government of the University," (v. Lamb, p. 237–254,) were laid before the University for strict observance. The introduction

runs as follows: "Whereas, in the Visitation, &c. it was discovered, that the Statutes of the University, together with the Compact" (of 1514) "regarding the election of Proctors, were in need of no small emendation," &c. The Chancellor is then charged as follows: "With the advice as well as the consent of the larger Congregation, [select] two or three persons of any Faculty, remarkable for their piety, &c., having also called in the Heads of the Colleges, &c. Let them diligently revise and examine, and (with the reservation of our good pleasure) reform and correct, &c. *Meanwhile*, for the regulation and salutary government of the said University, you shall yourself in the first place observe, and shall cause all others to observe, the following Ordinances, (which have almost all been brought in by those whom we deputed to visit, &c.,) and also such Statutes of the same University, as are suited to the present time, and not opposed to these injunctions." I ought to remark, that, according to the journal of the Registrar, he and his colleagues were busied with transcribing the old Statutes. These were then probably forwarded to Pole, and formed the groundwork of his Ordinances. They have but little to do with our subject, and treat chiefly of the studies, scholastic exercises, and church service. Few of them refer to the constitution and government of the University, although we find articles — "on the election of the Chancellor," — "on the election of ordinary Lecturers," — "on the Vice-chancellor, and other Officers and Ministers of the University," — "on the public chest," — "on the private chests." Then follow: "Ordinances for the government and salutary regulation of the Colleges," &c. In consequence of this injunction, three delegates of each Faculty were chosen, in February, 1556 or 57, (v. Lamb, xxxviii.:) but, most probably, their legislative powers came to end, before they began to use them, by the Accession of Elizabeth. Neither the contents, nor the introduction of the "Ordinances of Cardinal Pole," nor their whole connection, imply that they were intended to introduce any thing essentially *new*. The *necessary* innovations were to be made by the University-delegates. All that was done by the "Ordinances," was to establish certain Statutes, out of the existing

confused mass, which were to be valid for the time being *at all events*, independently of others which might be introduced, and which did not come into contradiction with them. This may be proved without any trouble, as regards most of the points: in some alone, it is doubtful; and in such instances might be found perhaps an anticipation of the innovations desired. Whoever overlooks (as Walsh and Lamb have done) the whole previous developement of the College influence, the origin of the *Black Congregation*, or whatever else this body may have been called, in Cambridge; whoever thinks he may judge of the sixteenth century by the standard of the thirteenth, will find in these Ordinances plenty of *innovations*, and much that is tyrannical, according to the Liberal standard of the nineteenth. Nothing appears to me truly and essentially such, but the setting aside of the Doctors, who, until then, had had their seats along with the Heads of the Colleges. Things, however, had long fluctuated. In the documents and accounts published by Lamb, (of the dates of 1524 to 1550,) the same, or similar affairs, are transacted sometimes with, and sometimes without, the Doctors. It does not appear that they ever complained, and the *young opposition* of 1572 evidently thrust themselves forward, quite uncalled for, to advocate their rights. I can scarcely imagine that this was an intentional regulation, but merely a consequence of the gradual dying away of the Faculties. They preserved their influence, however, although in another form, as Seniors of the Colleges. They also continued to be represented in the Cambridge Caput, which, evidently in the "Ordinances," is alluded to as a much earlier institution, although Walsh ascribes it to Pole.

Note (74) referred to in Page 161.

On the youthful age of Graduates.

I cannot here discuss at large, why a state of democracy might have been injurious in the sixteenth century, though in the thirteenth it was desirable, at least as the lesser evil. One point,

however, we may be allowed to touch upon. How would it have been possible, at the earlier period, to have protected the property and existence of the Universities against the Towns, without a numerous and vigorous party, directly concerned in the privileges, &c.— in a word, without a ruling Democracy? We must not, at the same time, omit to observe, that in consequence of the diminution of time requisite for the course of study, the Master's Degree was obtained in the sixteenth century, many years earlier than in the thirteenth and fourteenth. Perhaps it would be better to give one decided instance of this: — Richard Lee (a Physician and a Chemist) entered the University of Cambridge in 1542, in his fifteenth year, and took his Master's Degree in 1548, without any especial favor. This was brought about not by Statute, but by Dispensations, which also depended upon the majority of the Masters. To judge by this instance, it cannot be wondered at, that the majority should have consisted of young men, of from twenty to twenty-four years of age. Nor can we say that the promoters of the Statutes of 1750 were wrong, when they remarked, in answer to the complaints of the opposition, "At the tyme of the makinge of the old Statute, theie were allmost all Regents that were of alle degrees in the Universitie, and that, auncyent men for the moste parte: but nowe theie be not only younger in age, but more youthfull and untractable."

Note (75) referred to in Page 165.

On the Statutes of 1570, — *and on the Test Oaths.*

The account in the text, of the proceedings, with respect to the Cambridge Statutes, may be the more depended upon, as it is derived partly from authentic documents, and partly from the testimony of opponents to the Statutes. Among the latter, I reckon Walsh and Lamb. The few facts cited by the writers from trustworthy sources to which I had no access, I have used without agreeing in their opinions or conclusions: nor will it, I hope, be urged against *me,* that they have furnished the sharpest

weapons against themselves. But what are we to think of a historical and political author, who had free access to all the sources that were open to me, beside many others of the greatest importance; and could yet overlook the gradual developement of the power of the Heads, and assert that "the Statutes of 1570 completely revolutionized the whole order of things, by transferring a more than ordinary influence over all our deliberative proceedings, into the hands of the Masters of the Colleges!" I might cite much more to the same purport, — for instance, the common declamations against the Test Oaths, as originally unheard of and unknown in the Universities, "which were national establishments open to men of every sect," and, as first introduced by Cardinal Pole in a Catholic, and by James I. in a Protestant sense. Can anything be more confused and prejudiced, than this modern idea of *national* establishments, as applied to the Corporations of the Middle Ages? What can Mr. Walsh possibly mean, when he fancies the Catholic Church tolerated "*men of all sects*" at the Universities, whilst he himself, and those of his opinions, never can declaim loudly enough against the persecution of the Lollards* and other heretics? The decided form, however, of preventive Test Oaths, is to be found in the times of the Catholic Church. For instance, in 1425, the preceptors were obliged to take the following oath, among others.—"Also, thou shalt swear never to teach any of the conclusions laid down by the Friar W. de Russel (*Item tu jurabis ut nullam conclusionum per fratrem W. de Russell positarum docebis* — v. Wood). The "*conclusions*" mentioned, are Wykliffite doctrines. Lamb, it is true, also completely entertains all these distorted opinions, but he deserves our grateful acknowledgement, for having communicated all the documents, (v. Collect, &c. p. 335 to 402,) namely, (in addition to Statutes which were published by Dyer,) the memorial of the 160; the reply of the Chancellor and the Heads; the further objections of the complainants; the counter statements of the Heads; the resolution of the commissioners; and various other documents. I

* [The Universities were not the less *national* for that. The Lollards and other "heretics" were then persecuted *in the Nation also.*]

cannot attempt to examine the several points. The memorial contains a great and confused mass of perfectly inconsistent truths, semi-truths, exaggerations, and errors, collected together from a perfectly untenable point of view: and although the defence of the other party has many weak points, I am, after a most conscientious and unprejudiced investigation, altogether of the decided opinion of the Commissioners, "that the Statutes, as they be drawen, maie yet stande and no greate reason to make any alteration, &c.; and that theis younger men have been fare overseen to seek their pretended reformation, by disordered meanes," &c. The Heads complain bitterly, that whilst they are accused of oppression and intolerance, the most unbridled and arrogant licentiousness had gained ground, and that so far from seeking to direct the academic affairs, the time would soon come, when no respectable, sensible, and peacefully-disposed man would consent to accept such an office.

Note (76) referred to in Page 166.

On the Board of Heads at Cambridge.

I have already stated, that in the Cambridge Statutes, no express mention is made of the assembling of the Heads. These Statutes have no settled expression corresponding to the "Weekly Meeting" of the Oxford Statutes. The authority of the body may be deduced, however, partly from the incidental regulations, in which the Provosts or Principals are mentioned, and partly from the whole course and direction of these matters, as described above. To cite the passages of the Statutes, bearing upon the subject, would be unnecessary, as nobody doubts of their containing these arrangements; it is only their suitability and legality that are called in question by one party. To appeal however to the letter of the Statutes, in support of the power of the Heads, might with more reason be objected to. The manner in which the Statutes have been drawn up, upon this point, is such, that while most of the attributes of the Heads are very distinctly expressed (for

instance, in cap. 50, on the interpretation of the Statutes), others are only implied, hinted at, or even tacitly presupposed, and are to be interpreted only by a conclusion *à fortiori*. This is more especially the case with regard to the participation of the Heads in the general direction of affairs, along with the Chancellor and Proctors, about which there exists just as little doubt as about any other of their attributes, which are more definitely stated. But even in this point, there are minor details, which are expressly laid down; for instance, in a matter of discipline, where the Vice-chancellor is not allowed to pronounce any sentence of expulsion or rustication, or of imprisonment against Graduates, without the consent of the majority of the Heads. (v. cap. 52.)

Note (77) referred to in Page 167.

On the Election of Powerful Statesmen as Chancellors of the Universities.

Although, even earlier, distinguished Prelates had been elected Chancellors, the system took a decided form first in 1453, when Neville, Bishop of Exeter, and afterwards Archbishop of York, was chosen Chancellor, and remained so by re-election till the year 1472, when he fell into disgrace with the King, and of his own accord laid down his Academic office. Then followed several Chancellors chosen after the old fashion. From 1484 to 1494, the dignity of Chancellor was filled by Russell, Bishop of Lincoln; then, till the year 1500, by Morton, Archbishop of Canterbury; then again, up to the year 1506, by different persons, either Prelates or resident-Masters; and, finally, till the year 1532, by Wareham, Archbishop of Canterbury, in whom commences the list of Chancellors for life (in the above-mentioned sense; that is to say, as long as the circumstances lasted which determined the choice). The common opinion (which is repeated also by Lamb) that Russell was the first Chancellor who was elected for life, is (as far as we may judge from *Wood's Fasti*) entirely erroneous, as he was always re-elected, and declared himself, in 1494, incapable

of any longer holding the office, on account of the increasing infirmities of old age. This is, after all, a matter of indifference; and is only another proof of the necessity of receiving such traditional accounts with caution; since, even upon points where trustworthy information is at hand,— (where, as in this instance, only a reference to Wood is necessary,)— the greatest inaccuracy prevails, even among authors who lay claim to research. As for Cambridge, we find that Rotherham, Archbishop of York, was Chancellor there from 1473 to 1483. He was succeeded by several Bishops, most of whom continued many years, some only one; in the first case, probably by re-election. Fisher, Bishop of Rochester was elected in 1504, and remained in office at least until his fall in 1535. Whether he was elected at once for life, I cannot tell: but in 1528, the University endeavored to obtain Wolsey as Chancellor. The Statutes of 1570 say: "The office of Chancellor shall be held as long as the ancient Statutes and customs of the University permitted, namely, for two years complete, or for such a time as the Chancellor shall be allowed by the tacit consent of the University to remain in office."— So too the Oxford Statutes.—The first *lay*-Chancellor, in Oxford, was Sir John Mason; in Cambridge, the Duke of Northumberland: both from 1552 to 1558. For the last two hundred years, none but lay-Chancellors have been elected.

Note (78) referred to in Page 172.

On the Cycle of Proctors.

Before the institution of the Cycle, matters probably went on in Cambridge much as Wood relates of Oxford, when, without leave by Statute, powerful Election Clubs conspired to keep the office of Proctor among themselves. Doubtless these clubs (*sodalitia*) had fixed rules, for agreeing on their candidate; and if they could not carry his election, the riots ensued of which such bitter complaints were made. These were the inevitable consequences of the free election in the Senate, and gave an impulse to the obvious remedy of transferring the election to the Colleges by a set Cycle. The

confusion, contradictions, and endless changes which must have occurred during the reign of Henry VIII. may be well imagined from the accounts given of Oxford: as to Cambridge, we have no special details. The *tabula rasa* of the Statutes of 1549, could only increase the confusion or, at the best, make room for that sort of practical Cycle which was probably established before 1514. It is very difficult to say what could have been better, under the circumstances, than again introducing the Cycle of 1514, which was a course as natural as it was legal. But all this is never taken into consideration by the liberal opposition, which thinks only of party theories and interests, to support which they accommodate (in order to suit their own views) some pretended ancient right which is as little enquired into as it is known.

Note (79) referred to in Page 179.

Details concerning University Professors, their Salaries, Appointment, &c.

The patronage of Professorships of Royal Foundation is vested in the Crown. To those founded by the University itself, (as to all other academic offices,) the Heads nominate and the General Assembly elects. As to those endowed by individuals, there was no rule at all. In order to give a general idea of the pecuniary means under the control of the Academic authorities, I communicate the following statistical notices, in which I have thought it better to place the two Universities side by side.—

	Oxford.	Cambridge.
(1) Professors and Lecturers	£5400	£5630
(2) University Officers.....	3000	2000
(3) College Officers.....	15000	17750
(4) Heads of Colleges.....	18350	12650
(5) Fellows	116500	90330
(6) University Scholarships, &c..	1188	1320
(7) College Scholarships, &c.....	6030	13390
(8) University Prizes	168	342

	Oxford.	Cambridge.
(9) College Prizes	—	1038
(10) University Livings.....	2400	600
(11) College Livings.....	136500	93300

The yearly total in salaries, benefices, stipends, &c. amounts, in Oxford, to £311,170; in Cambridge, to £242,568. We need not state that the Colleges give away their own benefices, offices, &c. quite independently, and without interference on the part of the University: while in the University, as in the Colleges, it is the Heads who exercise the decisive influence in the appointments to offices and endowments.

[Continued from the Appendix to the *Author's second volume.*]

Respecting the moral and scientific import of the *numbers* of Professors, I have already said all that was needed. According to Thompson's British Annual, thirteen out of the twenty-four Professors in Cambridge, give lectures; and in Oxford ten, out of thirty-seven Professors and Lecturers. This giving of lectures itself, amounts (as we have seen) to delivering a course of from twenty to thirty hours in a year.

Concerning the nomination of the Professors in both the Universities, the following brief notices will suffice.

In Oxford, excepting the five Regius Professors who are nominated by the Crown, most of the Professorships,—such as those of Ancient History, Poetry, Anglo-Saxon, Common Law, Sanscrit, Political Economy, Anatomy, Medicine (Aldrich's),—are appointed by election of the University "in Convocation." In this arrangement, however, there are, in some cases, certain restrictions. Thus, the Professor of Anglo-Saxon is chosen every five years, according to a Cycle of the Colleges, &c. &c. This appears very strange: yet if the aim was to give an impulse to these studies, but little can be said against it. To some Professorial chairs, the Vice-chancellor and the Heads of certain Colleges nominate: to others, the Heads of certain Colleges alone: in other cases, the election lies with the Proctors, as in regard to the

Professorship of Music, which is an annual appointment. Much more complicated steps are taken for the Saville Professorship of Geometry, the election to which is placed in the hands of the Archbishop of Canterbury, the Bishop of London, the Chancellor of England, the Prime Minister, the Lord Chief Justice, the Lords of the Treasury, and the Dean of the *Arches*.

In Cambridge, in addition to the four older Regius Professors, there are three more (those of Modern History, Botany, and Mineralogy) that are nominated by the Crown. The Professor of Geology is chosen by the Senate, the Chancellor of the University, the Archbishop of Canterbury, the Bishop of Ely, the President of the Royal Society in London, the President of the Royal Medical College, and the Members of Parliament for the University. The Professor of Astronomy and Geometry is nominated by the Lord Chancellor of England, the President of the Privy Council, the Lord Privy Seal, the Lord High Treasurer, and the Lord Steward of the Royal Household. For the Norrisian Professorship of Theology two Candidates are set forth by the Masters of Trinity, King's, and Caïus Colleges, between whom the other Heads are to choose. The Professor of Experimental Physics is elected by those "Regent-Masters" who have resided the greater part of a year before the election. The Professors of Chemistry and Anatomy are elected in the Senate, "after the manner of citizens," and the Professor of Political Economy by "a grace."

The salaries in Oxford and Cambridge vary between £40. and £400. a year. These examples, to which we might add many others, (especially if we were to enter upon other foundations, stipendiary offices, &c.,) are quite enough to show the peculiarity of all these matters at the English Universities, and the great variety in their different arrangements.

Note (80) referred to in Page 182.

On the Abolition of the Black Congregation.

I cannot tell how far the Statutes of 1549 were tacitly, and how far expressly abolished, to make room for the older regulations, which those Statutes had ignored. There was no want of Committees of Revision, with full powers, (for instance, A. D. 1576,) but we learn nothing about the results. According to Wood, I cannot but conclude that the Black Congregation, which was superseded by the Weekly Meeting, was in active exercise even in 1569. Whether it returned of its own accord, or was formally re-established, is more than I can say; nor can I tell, whether the expression "*Conventus Hebdomadalis*," and the rule to meet every Monday, already existed. Both these points, at all events, are distinctly mentioned in the Statutes of 1633. Perhaps it was not at all the intention of the Statutes of 1549, to do away with this body. As to the innovations introduced by Leicester, if we even take the very worst case for granted, namely, that he introduced them by a stroke of his pen, and without regard to the established legislative forms, we may still conclude, (from the nature of the case, and from the analogy with Cambridge,) that his measures had full as many partizans as opponents. But it is not proved that he proceeded contrary to the Statutes. The principal passage in Wood (i. 290) declares: — "He plunged himself still deeper in our affairs: for when he had become versed in the Chancellorship, he changed the University administration in almost every part; in some things, for the better; but in most for the worse. In the last year he abolished the ancient form (named *Per instantes*) of electing the Proctors. He nominated, moreover, the Commissary, or Pro-chancellor, sometimes without consulting the Convocation, a thing which, it is ascertained, had in ancient times most rarely been done. Yet we ought not to suppress what is notorious from public usage, that he was the first to abolish the Black Congregation, and to enact that the Vice-chancellor, Proctors, and Heads of the Houses should meet and deliberate, before any matter was

laid before the Senate of the whole University. He, moreover, decreed, that public business, and especially that of the greatest moment, should be despatched secretly, and by ballot, and not, as before, openly, and by giving in the votes to the Proctors." With regard to the nomination of the Vice-chancellor, Wood certainly says, in his *Fasti*, (ii. 428): — "He seized upon the power of nominating;" but, in a passage shortly after, with reference to abolishing the electing of Proctors *per instantes*, he states: — "It was abrogated at the advice of the Chancellor." In this instance, at least, mention is made of the common and regular way of Academic legislation; while in the previous one, every thing is expressed very vaguely. At the very worst, the expression "seize upon" can only be made to refer to the nomination of the Vice-chancellor; as to which the right was doubtful, and he had precedents in his favour. In fact, had Leicester been guilty of no greater misdeeds towards the University, he would scarcely need any justification. Besides, if he had been desirous of doing anything extraordinary, he might have easily done it by a Royal Letter.

[See also the following Note, on the election of the Vice-chancellor.]

Note (81) referred to in Page 184.

On the right of the Chancellor to nominate his own Deputies.

It appears to me very probable, that the Chancellor originally nominated his Deputy or Deputies, with the *proviso* that they were approved of by the University. Wood's explanations upon this point are in the highest degree unsatisfactory. In a passage where he professedly treats of the question, he says: "The Chancellor formerly called-in as subsidiaries, sometimes fewer, sometimes more gownsmen, as need might be." (ii. 387.) This we might imagine would infer the system of nomination. The expressions used, however, with reference to the innovations introduced by Leicester, hint at the contrary: although in the first passage the words "very rarely

done in ancient times" may be made to refer only to the "without consulting the Convocation," and not to the nominating. Such an interpretation would agree with what became the established rule: and neglecting to consult the Convocation was but a temporary act of caprice. As to the period prior to Henry VIII., we have no authentic notices whatever. The Vice-chancellors, however, were then usually nominated by the Chancellor, which is satisfactorily proved in the "*Fasti*." We might perhaps infer, that at an earlier period, the Chancellor, after coming to an understanding with the University, nominated his Deputies, who were forthwith recognized. That the Chancellor should have a share in the matter was only reasonable. His confidence in the Commissary was necessarily a very principal point, as they had to act together and share a common responsibility. On the other hand prudence and equity required, that the University should have no Commissary forced upon it, who did not possess *its* confidence. Thus a previous good understanding between the parties was the substance of the matter: the rest was a mere form, expressing the actual position of things. The following, most assuredly, was no isolated case, and will render the matter more intelligible. When Russel, Bishop of London, was chosen Chancellor for the second time, after much resistance he accepted the office upon the express condition, that he should be allowed to be constantly absent, and to be represented by Commissaries, who should perform the duties of Chancellor in every respect: (v. Wood, ii. 414.) It is impossible to imagine the course pursued in choosing the Commissaries to have been other than has been just described. The Chancellor, no doubt, officially designated the persons whom, by previous conference, he had been left free to nominate: and the Convocation accepted them. Nor can we doubt that the previous conference was of a private nature; that is to say, was only with the more influential members of the University, the Heads of the Colleges and Doctors, the *viri potiores* in fact; and that it was they who guaranteed and effected the acceptance by the Convocation of the person proposed. Just so, at this day, the four Pro-Vice-chancellors, (who hold the same position towards the

Vice-chancellor as the Commissaries formerly held towards the Chancellor,) are nominated by the Vice-chancellor, though it was never enacted by Statute.

Note (82) referred to in Page 196.

On the right of voting of the Regents and Non-Regents.

Respecting the strangely confused position of the *Regents* and *Non-Regents*, established partly by statute, partly by dispensation or sufferance, the following notice will suffice. The compulsory Regents in Oxford consist of all Masters during the first year after taking their Degree. The voluntary Regents, of the Masters during their second year's standing, the Resident Doctors of all Faculties, all the Heads of the Colleges and Halls, all Professors and Lecturers, the Masters of the Schools, the Examiners, the Deans and Censors of the Colleges: the Master's Degree and one year's Regency being necessary for all. The Non-Regent Masters are all [other] Masters *after* the end of the second year of their Regency. With regard to their corporate rights, all the Regents have a vote *in Congregation*, and all Regents and Non-Regents *in Convocation*. The *compulsory Regents* in Cambridge, consist of Masters during the first *five* years after taking their Degree. The voluntary Regents comprise the same classes as in Oxford, with the exception of the Masters of two years' standing, who (of course) are still *compulsory Regents*. The Non-Regent Masters are all Masters upon the termination of their Regency of five years. The Regents of *every* description vote in the Upper House of the Senate (the White Hood Congregation). In the Lower House, on the contrary, vote, in the first place, the Non-Regents,—that is to say, the Masters after the termination of their Regency; and secondly, the voluntary Regents, if so inclined. If all the Masters of Arts were to remain at the University or in closer connexion with it, kept their names upon the College books, and *made use* of the right of voting thus devolving upon them, the resident voluntary Regents (Doctors, &c.) voting in the Convocation in the Lower

House would naturally always be in the minority: but as the minor part only of the Masters retain this right, and fewer still make use of it, this never occurs. Walsh and others look upon it as shocking (as upon everything that does not agree with their own views) that the voluntary Regents should vote in the Lower House also; but as I have proved, (p. 100, &c.,) it perfectly corresponds with the original state, which is still preserved unrestricted in Oxford, while in Cambridge, the compulsory Regents are no longer *expressly* entitled to this double vote. The latter point does certainly seem to be unjust, nor can I explain the origin of it.

Note (83) referred to in Page 219.

On the Archbishop's right of Visitation: and on the Bull of Boniface.

My statements are certainly opposed to the opinion of Oxford men concerning the Bull of Boniface IX., (which they ascribe to Boniface VIII.;) a Bull which they considered to emancipate them not only from the Judicial, but also from the Visitorial power. But on the former point the Bull seems to contain nothing but a confirmation of claims already enforced, although never formally recognized: while to the second point it does not refer at all, although its expressions are certainly vague and oratorical enough to admit of a very extensive interpretation. The Bull itself was obtained illegally, being not only an infringement of the Statute of "*Præmunire*," but against the will and without the knowledge of the University; indeed in violation of its Statutes. Accordingly, it was never recognized, either by the Crown or by the Primate; and was afterwards revoked by Pope John XXIII. Sixtus IV., it is true, again confirmed it, but, undoubtedly, only in the sense actually intended, namely, as establishing that no appeal could be made from the University Tribunals to the Archbishop's Court; a privilege which was recognized by all. The temporary revocation of the Bull was probably occasioned by the misinterpretation of it by the University. Be this as it may: this Bull, to

which the University never ventured to appeal, either before Parliament or before the Royal or Ecclesiastical Judges, and which was consequently null and void at all events in *fact*, cannot possibly be looked upon as a confirmation or extension of the undisputed right of the *de non trahi extra*. There can be no doubt that the right, in this very application of it to the Archbishop's Court, is much older than the Bull, although, like the other privileges, it was always attacked from time to time by those who suffered from it. The Bull confirms this privilege, as well as all other more ancient and more modern ones.

The following notice may serve as proof. With regard to Oxford, we find a case mentioned by Wood, (A. D. 1362,) in which a Carmelite Monk appealed to the Archbishop's Court: whereupon Royal Letters of Prohibition were issued against every appeal of the kind, both within and without the kingdom; and the *jus de non trahi extra* was thus protected alike against Rome and against the Archbishop. The state of things in Cambridge was also closely similar. Dyer mentions Letters Patent of the year 1352, which declare: "That no scholars, in any causes touching their privileges, shall be summoned out of the University into the *Curia Christianitatis*:" adding thereto [in English words]: "*in cases cognizable by Chancellor,*" Letters also of the year 1404 decree: "That the Chancellor shall not be impeded by appeals to the Archbishop," &c. The *Barnwell*-case of 1430, which has been equally misunderstood by the Cambridge men, as the Bull of 1396 by the Oxford men, must be considered in like manner, simply as a confirmation of the already existing exemptions, *de jurisdictione ecclesiastica Episcopi et Archiepiscopi*. But it is just as certain that the Archbishop's right of *Visitatio in capite et membris*, which took place, for instance, as late as 1401, (v. Fuller,) was never given up; and can scarcely be said to have been abolished by the above-mentioned Bull. The introductory expressions are: "By the power of these presents we exempt, &c., from all jurisdiction, DOMINION AND POWER of any Archbishops soever, as also of the natural [*natorum*] Legates of the said see; likewise of all Bishops, and other ordinary Judges, as to contracts entered

into, or excesses, crimes, and misdemeanors committed beneath the limits," &c.:—words, which may certainly be screwed into meaning something more than the jurisdiction. That endeavors should have been made at the time to do so, is not very extraordinary, but it is curious that Wood and other more modern authors should quite have overlooked the difference between Jurisdiction and Visitation. Were any other evidence respecting these points necessary, a Cambridge document of the year 1405 would be decisive, — namely, the "Letters of the Archbishop, lest, while his Visitation is pending, the jurisdiction of the University be hindered." A *Visitatio in capite et membris* occurred in 1401, and shortly afterwards followed the decree of 1405, with regard to the jurisdiction. To assert that an Archiepiscopal Visitation never really took place in Oxford, is an unfounded boast. To say nothing of the earlier Visitations of 1276, and 1284, there was the Visitation of 1384, which notoriously took place *in capite et membris*, respecting which I refer my readers to Wood, and to the "Life of Richard II., by the Monk of Einsham:". (ed. Hearne, p. 115, sqq.) The Visitation of which notice was given in 1390, was prevented only by the violent resistance of the University. After that (between 1394 and 97) the Bull of Boniface was put forth, which was immediately attacked in the most decided manner by the Jurists of the University, and was totally rejected by King, Parliament, and Convocation; so that it was only out of extreme consideration that the University was spared the Præmunire. When the Constitutions of Arundel were introduced by the Visitation of 1410, the University once more resisted upon the strength of the Bull: but the King interfered so decidedly, that in 1411 the measures were put in force. The Oxford men next maintained, that this Visitation was no precedent for the future, as it had not been made "*in capite et membris*" but only "*de hæresi,*" and they did not wish to dispute the Archbishop's right to a Visitation of that nature. But in 1390, the question had been precisely the same, and, after all, it was a mere distinction without a difference.—The principal object of the Visitation was undoubtedly the extirpation of heresies. It does not appear that any other Archiepiscopal Visitations took place, after

this aim had been attained; probably, because there was no urgent cause for it, and nobody felt inclined to stir up unnecessarily this whole swarm of academic bees; or nests of wasps, they might be called by the evil disposed. The thorough Visitations, afterwards made, were in the name of the Crown; Pole also visited the University as Legate, and not as Archbishop. This discontinuation of the Archiepiscopal right of Visitation may very probably have confirmed Oxford in its delusion that it was exempt. When, upon a later occasion, in Laud's time, the Archbishop's right of Visitation was reasserted, apparently without a real or immediate motive, and merely in the unfortunate spirit, which prevailed, of claiming theoretical powers without practical need, the University indeed again brought forward quite *bona fide*, all its old, and very bad, arguments. The matter, however, was laid before the King's Court, and, as was to be expected, was decided against the University: and since then, no further mention has been made of it. As to the fable or tradition current at the University, which ascribed this Bull to Boniface VIII., it scarcely indeed requires further refutation. No mention is ever made of the Bull prior to 1396, and certainly the University would have founded its claims upon it often enough before, (as in 1390 for instance,) had it really been in existence at that time. The manner, however, in which it is mentioned in the transactions of 1396 and 1398 and 1411, clearly proves, that it had been only just then obtained, and that, in such great haste and in such a way, that even the most necessary formalities were overlooked, to an extent which excited suspicions that the whole was a fabrication. Upon the subject of these transactions, I refer, after Wood, more especially to Wilkins (iii. 227, sqq.) The King mentions the Bull as "*Nuper a vobis impetratum*" and the Jurists speak of it among other things as follows: "Certain Masters and Bachelors of Art have lately cunningly obtained from the Court of Rome, in the name of the whole University, a certain absurd privilege of exemption," &c. Further on it says: "Holding in his hand a schedule not fortified with the Apostolic Boss, (*bulla*,) nor with any authentic seal nor any sign or signature whatever of a public notary." The Bull of Sixtus IV. (of the year 1480)

moreover, expressly ascribes it to Boniface IX., as Wood himself admits, although he afterwards, when he cites the Bull, puts a "VIII." after it, in order not to belie the tradition. How far the uncertain tenor of the expressions used in the Bull, "*Bonifacius servus servorum, &c., datum Romæ Pontificatus nostri anno sexto,*" may have been made use of in support of this idea, I cannot say; it became, however, by degrees an academic article of faith, which even Wood did not venture expressly to gainsay, although he was convinced of the contrary. I have never been able to find the Bull itself anywhere except in Wood, or in others who have borrowed it from Wood, as Bulæus for instance. I have looked for it in vain in the "*Bullaria.*"

Note (84) referred to in Page 219.

The Universities had neither Vote nor Seat in the Convocatio Cleri.

A negative proof that the Universities had neither vote nor seat in the "Convocation of the Clergy of the Province of Canterbury," may be found in all the notices respecting these assemblies — and especially in Wilkins. That they were only occasionally summoned or admitted to give evidence on certain points, may be seen most plainly in the transactions respecting the benefices in the first half of the fifteenth century. I may cite also the Royal Letters of 1414, addressed to the Cambridge Chancellor: (v. Rymer.) "Since we have heard of your different dissensions, &c., we command you to appear in proper person before the Archbishop of Canterbury, and his co-brethren in Convocation, at the Church of St. Paul, &c., to the end that provision be made to this effect in the aforesaid Convocation, &c. And, moreover, you shall cause to be ordained that four sufficient men of each side be there," &c. It is expressly said, with reference to this affair elsewhere,— "The King sent an order to the Chancellor of Cambridge, to be present at this London Synod, but *only* (*non-nisi*) for consultations respecting the janglings," &c. Of the taxation of the Universities, I have taken some notice below. As to the part taken by them

in several of the general Councils, (respecting which Meiners and others have such strange notions,) the following proofs will suffice. When the London Synod met in 1395, upon the subject of the Schism, [between Pope and Anti-Pope,] it is stated: "Whereas a letter from the University of Paris had been transmitted by the King of France, our King called a Convocation at Oxford, of the more skilful Theologians of the whole University, as well Regents as Non-Regents, who wrote in favor of Urban, their Roman Pope, and confirmed their writing with the seal of the Oxford University: and transmitted it by King Richard to the King of France, at Paris:" (Knighton and Wilkins, iii. 225.) In 1309 we find another Royal brief, asking "What was the opinion of the University in the matter of the Schism?" In the summons to the Archiepiscopal Convocation in 1410, after the usual formula, follow the words:—"We order you to summon all and every suffragan, &c.; also all the other men of mighty literature, equally sagacious and ripe;" to treat about the Schism: (iii. 359.) These "learned men" evidently belonged to the Universities, and were perhaps even their elected representatives or "*Oratores*:" indeed, their *Chancellors* are afterwards expressly mentioned. The Universities were in the same way invited to send their "learned men" to Pisa, Constance, and Basel. If they took no such part at Trent, it was because the Reformation had destroyed all these relations. As late as 1521, Wolsey called upon "certain academicians, with other learned men, to refute the heresy of Luther."

Note (85) referred to in Page 221.

Powers of the Pope and of the Archbishop over the Universities.

We have often mentioned Papal Bulls, bearing upon these matters and upon others of a secular kind; and the analogy in this respect between Paris and the English Universities, is undeniable. Although perhaps not all the Bulls concerning the University of Paris were applicable to the English Universities; extant testimony proves that the Pope had the right to make similar

regulations with regard to *them* also. Few documents of the kind have been preserved, — obviously by reason of the devastations and spoliations which accompanied the Schism and the Reformation. In their temporary differences also with the Crown, documents may have been tampered with and injured, yet not so as to alter the whole character of things, which was sure, moreover, to be always recognized again by the Crown. Besides, the Clementine Constitution was expressly adopted in Oxford, and in the same way a new book of the Decretals was ordained by the Pope, in 1299, for lecturing. The matters which, under certain circumstances fell into the hands of the Papal Legates to arrange and decide, may be seen by the events of 1209 and 1214.

Examples of the Archbishop's right of Visitation may be found (in Wood and Wilkins, ii. 109) in the years 1276 and 1284; when not only matters of heresy, but even barbarisms of every kind in Grammar, (such as "*ego currit; tu curro,*") Logic, Natural Philosophy, &c. came under the Archbishop's reproof. In 1343, laws were proposed by the Archbishop against too great luxury in dress, which were sanctioned by the London Convocation. Those who resisted their authority were even deprived of their Degree or expelled. There were, consequently, also judicial powers that were connected with the right of Visitation.

Note (86) referred to in Page 227.

On the Prerogative of the Crown over the Universities.

The following notice may serve to illustrate and explain the above. I shall avoid all controversy (to which the temptation is so great) about the Middle-Age judicature, particularly the English; my business is solely with the Universities. Let us first turn our attention to the power which the Crown might exercise, by a "*Visitatio in capite et membris.*" Those of the years 1538, 1549, 1555, and 1559, certainly appear at first sight to be anomalies, affording no conclusions as to the real position of things before, and scarcely any as to their after-condition. In so far as these

Visitations comprised spiritual as well as temporal matters, such a view of them is correct, but it is equally certain, that they did not surpass the ordinary authority of the prerogative in all the temporal affairs of the Universities. There is indeed something to be said on the side of restricting the *name* "Visitation," according to the ancient usage of it in the language, to the sphere of the *Church*. Indeed, during the dispute respecting the Archbishop's Visitation in the reign of Richard II., (an. 1397,) the University endeavored to escape from it under the pretext, (among many others,) that the right of Visitation belonged to the *King*, grounding this plea partly upon Lollard principles. The King, however, decidedly declined the honor, though certainly without meaning to give up a right of the Crown. In temporal concerns, however, Royal Letters, Counsellors, or Commissioners, might effect changes as extensive as were afterwards carried out by a Royal "Visitation," when the spiritual power was joined with the secular. The following warrant, granted to the Bishops of London, Ely, &c., in the year 1376, may serve as a specimen of the full powers given to the Royal Commissioners in old times: — "Having heard of the dissensions," it says, "between the Masters and Doctors of Divinity, of Canon and Civil Law, and of the Faculty of Arts, as to the form of the Statutes, &c. &c.; we, being desirous of preserving the said University in its accustomed usages and privileges, give unto you collectively [*universis vobis*] our own full powers, &c., cutting off all delay soever, &c., without waiting in any way for the presence of the other party, &c., fully to examine, reform, and determine . . . to revoke or withdraw in whole or in part, banishments, convictions, and the aforesaid Statutes, as may seem fit to you, &c. . . ., directing the Chancellors, Proctors, Masters, Doctors, Scholars, and all other members of the said University, not to make or issue any unjust or unreasonable Statutes against your ordinances, under pain of forfeiture," &c. . . .: (v. Rymer.) Let it not be said, that this plenary authority presupposed always that the preservation of the rights and privileges of the University was the end to be aimed at. The moment that the Commissioners were empowered to *find out what* was right and legal, the legislative

agency of the University certainly was suspended, and *that* too upon a purely scholastic point, in which any interference from without was least of all to be expected. *A fortiori;* the same attributes must have come still more into play, when it was required to maintain the general laws of the land, at the Universities. If such instances did not occur before the Reformation, it was because the application of the prerogative, in this sense, was not needed. Yet, — as well then, as afterwards, — it *might* have been applied not only to protect established rights, but also to suspend, restrict and withdraw them, unless connected with any settled property. In other cases, such privileges were looked upon as only *lent* (as it were) by the Crown, and consequently could not be appealed to against the prerogative, which was their original source. Accordingly, in 1377, the Universities were threatened with suspension and eventual withdrawal of all the Royal privileges. A similar proceeding is found to have taken place, even in 1262; indeed, that which followed the riot of 1335, may be looked upon in the same light. The University, it is true, of its own accord, resigned its privileges; yet the very fact indicates the relation of the two parties: and undoubtedly the King could always demand a like act of self-renunciation on the part of the University.

We need not suppose any real judicial procedure: except that in theory the King was supreme judge, and of course his judicial power was transferable at pleasure. The source remained always the same, whether the power exercised was called ordinary or special. As far as regards the full powers which undoubtedly correspond to the technical expression, "*de audiendo et terminando,*' (of oyers and terminers;) they are mentioned so frequently, (especially in Wood, Rymer, and the Parliamentary Rolls,) that it is quite unnecessary to cite single instances. They naturally refer only to more important matters and points. These full powers were frequently granted, in consequence of appeals and contests as to competency: and upon these occasions the Commissioners appear, at one time in the form of a supreme court of appeals, and at another as arbitrators. The last resource was the King himself. If he took counsel at will, of his confidential advisers, this

is not more strange in very important cases respecting the affairs of the Universities, than in any others; nor can it form any argument against the absolute authority of the prerogative. It was in his power just as well to decide alone. But the point at which the Counsellors of the King became real judges; at which consequently (in modern phraseology) a matter passed from the administrative department, to the judicial; it is impossible to point out distinctly. It is in vain to seek, in these earlier times, for the fully developed organization of the State. We find only a King surrounded by his Lords and Counsellors, to whom, as occasion required, he transferred this or that function, in the ill-defined departments of political, military, administrative, and judicial affairs. How far these Counsellors were freely chosen by the King, or how far he was forced by the special case to have recourse to them, we need not investigate here.

Note (87) referred to in Page 232.

On the Royal Letters.

According to all the notices that we are able to find, respecting the Royal Letters before the Revolution, it seems impossible to name a single point in the Academic existence, which might not have been controlled by them. In important matters, the examples are too numerous to need to be pointed out. As a proof, however, to what details the Royal prerogative sometimes descended, we may quote a letter sent to the Chancellor of Cambridge in 1393 (v. Dyer) "that he cause them to reform certain hurtful gutters" (*guteras*).

No express notices of any collision between the Universities and the authority of a Royal Letter, are to be found before the sixteenth century: but the legislation of that period does not differ in *principle* from that of the earlier ages. Upon the introduction of the Statutes of 1549, 1556, 1559, in Oxford and Cambridge, as of the Cambridge Statutes of 1570, nothing is recorded to imply that the concurrence of the Universities was necessary, or that any

previous communications made to them were from any other principle than courtesy. Judging even by the proceedings of the Opposition (in the Cambridge transactions of 1572) the right of resistance on the part of the Universities (where the Royal Letters were concerned) was limited to a refusal of the *vote of thanks*. Of course they might also try what was to be done by appeals and representations *ad regem melius informandum*. The Oxford Statutes of 1636, it is true, were originated by the spontaneous legislation of the University and confirmed by the King: but we cannot infer that they could not have been established just as well by the direct act of the Crown: as was the case with the important Statute respecting the election of the Proctors; which was introduced but a few years before by Royal Letters. From the Visitation of Cardinal Pole, it is true, no rule can be deduced, since he was a Legate of the Pope: still there is no doubt that the Crown had from the very first an authority as unfettered in the secular concerns of the Universities, as, before the Reformation, the Pope had in the ecclesiastical. On that occasion however, the preliminary Statutes were laid before the University for consideration, and the University was then called upon (as we have seen) to nominate a Commission for the purpose of drawing up the definitive Statutes; the Legate meanwhile by no means renouncing his *right* to give them of his own sole authority.

Note (88) referred to in Page 238.

On the Taxation of the Universities and Colleges.

The documentary evidence here cited will speak for itself; I do not understand, in face of such testimony, the uncertainty which prevails among English Authors upon this point. The documents are gathered from Wood, Ayliffe, Parker, Dyer, Rymer, Wilkins and the Parliamentary Rolls. When a legal opinion was asked, respecting a "tenement" in Oxford, which had been presented to the University, the reply was, that it would be to the prejudice of the King and the Town, since, as ecclesiastical property, it would

pay no taxes. The only obscure part of the passage (v. Wood, i. 140) is that which relates to the "messuage," which it appears had been before exempted from taxes, by scholars merely dwelling in it. I do not venture to assert that *this* was at all a general rule. In 1334 the Townspeople complained before Parliament, that the "clerks" bought so many houses and thereby exempted them from the King's taxes and the Town-rates. The Universities and Colleges are at least comprehended *among* the "clerks" here mentioned. In consequence of similar complaints, a fixed date had already been settled in the year 1292, after which all lands and houses acquired by the clergy were no longer to be exempt.— It would appear, however, that this restriction was not long observed; for in 1379 and 1389 complaints were laid before Parliament, that pieces of land lately bought (*pourchacé recemen*, Rot. Parl. iii. 276) by ecclesiastical corporations and the University-colleges laid claim to be exempt, as clerical property. The only exception from these ecclesiastical exemptions is that mentioned in 1251, in the matter of the wall-rate (*muragium*): and in this instance, it is still doubtful, whether any were meant but the University *dependents*, whose exemption was never recognized, and who were favored merely so far, as to be taxed by the Chancellor, and not by the Town authorities. At all events, of such alone mention is made in the 27th Clause of the Cambridge Compact of 1501.

That the property of the Universities was regarded as ecclesiastical; that the amount of the contributions was fixed by the Convocation, and by the kindly consideration of the Crown for the Universities; is clear from the following evidence. In 1377, the tribute laid upon the Universities, by a vote of the Clergy of the Province of Canterbury in 1372, was remitted to them. In 1378 Richard II. remitted to the Universities the tax forcibly imposed upon the Church by Edward III. In 1452 three Colleges in Oxford were exempted from the two-tenths, which had been voted by the Province of Canterbury. There can be as little doubt, that exemptions of this kind frequently occurred, as that they were not always granted, nor for all Colleges alike. There is

every reason to suppose, that the Colleges of Eton and Winchester were treated in the same manner as the Universities: and in fact, they were themselves Academic foundations.

That the property of the Universities was ecclesiastical, may be said to be testified both *positively* and *negatively*: positively, when we hear of them as taxed by the Convocation of the Clergy; negatively, when they are expressly exempted from the lay-taxation imposed by the House of Commons. Of the latter character is a Royal Letter of 1311, which says, "That Scholars should, as usual, be free from tollage for their lands and tenements." The matter appears to have become again doubtful in 1314:—"The King gave orders to his Treasurer, &c. &c., if after examining [the register of] the tollages, it shall appear that the Chancellor and Scholars ought to be free from paying tollage for their tenements, let them be left free and the Sheriff's distraint be removed."—The exemption was called in question at the beginning of the reign of Edward II.: but it is evident, that the final result was favorable to the Universities, since (as we have seen) the complaint laid before the Commons in 1379, was only against the exemption of the tenements *lately purchased*. It had probably reference to the doubts already entertained as to the interpretation and application of the decision of 1292, and perhaps also to the claims of the academic *dependents*.

Certainly the summons of 1440 refers to these:—"That the Chancellor of Cambridge should lay before the Treasurer and Barons of the Exchequer the names of all persons within the jurisdiction of the University and Town of Cambridge, who are taxable for the payment of any subsidy."—It was recognized even in 1386, "That Scholars had nothing to pay of the subsidies of tenths or fifteenths, or any per centage for their tenements, schools, and books." And in 1496, we read in the granting of the supplies by the Lower House,—"Provided alway, that no landes, &c., appropriated or belonging to any College in any of the Universities of Oxford or Cambridge, or to Eton or Winchester, be charged or chargeable for or with sayd aid:" (Rot. Parl. vi. 517.) The same was the case in 1503, and when we find a Royal Ordinance

(mentioned in Parker's History and Antiquities, &c.) in which it is said that "taxes, tollages, aides and other charges to the King, shall be assessed indifferently by eight burghesses, and four of the University," it must refer to the Academic dependents: else it is to me quite incomprehensible.

Note (89) referred to in Page 240.

Exemption of the Universities from Purveyance, *&c. &c.*

The earliest recorded exemption from the extortions of the "Purveyors," which I have been able to trace, is in an agreement between the University and the Town, of the year 1547, (v. Lamb, p. 90:) and it is evidently spoken of as an old subject of contest. Mention is again made of it, in an Oxford privilege of 1553: (v. Salmon and Dyer.) It is referred to, however, in a complaint of the University of Cambridge, (v. Lamb, 60,) as a long existing custom, and I have no doubt, that it subsisted, if not as an established right, at least as an occasional one, from the very earliest times. It is, after all, only a confirmation or a supplementary addition to the freedom of the University market. A Royal Mandate of 1371, (v. Dyer,) respecting "the carrying off victuals into the Town of Cambridge, for the accommodation of scholars, notwithstanding a former mandate of the King,"—probably refers to the same point. There is also something similar in Ayliffe, which I am not able, just now, more particularly to refer to. The protection afforded to the horses and mules of the Universities, it is true, is mentioned, for the first time, in the privilege of 1562: but this privilege contains almost entirely mere confirmations of what already existed, without laying any stress on this: yet it is with certain authors a sufficient reason for dating everything from this privilege!

The answer given by Henry VIII. to the Universities in 1546, when they petitioned for the security of their property and the confirmation of their privileges, is remarkable, as far as regards the exemption from the Court supplies:—"He made answer and

smiled, that he could not but wryght for hys servauntes and others doing the service for the realme in warys and other affayres, but he sayd he wold put us to our choyce wether we shulde gratific them or no:" (v. Lamb, p. 60.) The exemption from service upon juries, was a consequence of the other judicial exemptions, and was confirmed by Edward II., in 1317. The terms are as follows: —"Let not clerks who possess a lay-fee, (*laicum fœdum,*) or Cambridge students, be placed among jurymen, (*in assisis juratis.*)" Before the Reformation, there was, undoubtedly, but little need of a special exemption from military service; but it was so expressly granted by Edward VI. and Elizabeth, because all their rights had been called in question; moreover, the Town-Authorities had actually endeavored to press gownsmen into the militia: (v. Lamb, 92.) But still a privilege of this kind appears to have been granted, as early as 1290: (v. Salmon.) It was doubtless subject to the same exceptions as that of all the other clergy: and in cases of sudden and urgent danger, neither the Universities nor anybody else would have looked for exemption. Royal Mandates, "on arraying the clergy for the defence of the sea-coasts," may be found frequently in Rymer, (for instance, in 1374.) No further proof is required, that the Universities were as free as the clergy at large from extraordinary war taxes. The same was expressly declared in privileges already mentioned, (for instance, in 1522 and 1562.) Yet in 1542, shortly after the Town had been rebuked by the King for attempting, contrary to all custom, to enrol members of the University, the Cambridge Colleges are said (v. Lamb, p. 42) to have been assessed, for fitting out recruits to the Duke of Norfolk's army against the Scotch. Again, in 1544, the Duke called upon the University to fit out certain "hable men" for the army he was about to command in France. Was it a voluntary "*captatio benevolentiæ*," since the Duke was Steward of the University? Yet he called upon it to perform these services, very much as if it were a duty: — "forasmyche as I am Stuarde of your Universitie," says he. But in truth, by reason of the Schism, all ecclesiastical rights were then become uncertain.

Note (90) referred to in Page 241.

On the Taxation of the Universities by the Parliament.

The first trace, of which I have any knowledge, of the taxation of the Universities by Parliament, is, when the tenths and first fruits of the property of the clergy were granted by Parliament to the King, in 1530. The payment was remitted by him, originally under the condition of their founding Professorships, but afterwards unconditionally: this however was avowedly a matter of favor, and not a general rule. In 1540 again, when the fifth of clerical property was granted to the King by Parliament, the payment was expressly remitted to the Universities; and similarly in 1556 with the tenths and first fruits. *This* tax, however, together with the tenths and fifteenths of the secular contributions was, in 1559, remitted "*in perpetuum*," by Parliament: an Act, which for the first time recognized the Universities as secular corporations; though the ecclesiastical tenths and first fruits devolved upon them still as ecclesiastical. The expressions used in Wood (i. 281) leave it very doubtful, whether this remission "*in perpetuum*" referred only to the first, or also to the second species of taxes. In the Cambridge privilege of 1561, (which in this point is doubtless the result and the expression of the above-mentioned Act of Parliament, with some additions perhaps by Royal favor,) I cannot have any doubt that it was so intended: [*i. e.* to remit *both*:] "We give and grant to the Chancellor," &c. runs the privilege, "that he and his successors, and all and every Doctor, Master, Bachelor, Scholar, Officer, Servant, Common Attendant or Servant of Scholars, now, or hereafter, who resides or shall reside, &c. in the said University, &c., shall be free and undisturbed, and exonerated from all and every kind of subsidy, relief, exaction, imposition, contribution, and aids of money whatever, to be granted to us, our heirs and successors hereafter, by any Act of Parliament, Statute, or Ordinance," &c. This was expressly confirmed by the Incorporation Act of 1571, as follows; — "And be it further enacted, that the letters patent of the Queen's

Majestie granted, &c., bearing date 26th of April, in the third year of her reign, &c., shall from henceforth be good, effectual, and available in law." &c. It would be natural after this to suppose that the Universities were to be exempted alike from ecclesiastical and from secular taxation. Yet they were not. And this is another reason for doubting, whether this act is (in comparison with earlier ones) of such *eminent importance* as the prevailing opinion holds; and whether, in fact, similar views are admissible as to other similar political acts. The special privilege [of 1561?] may possibly have been formally revoked; but of this I know nothing. However, before the breaking out of the civil disturbances, it is certainly regarded as resting on the pleasure of the Parliament to grant or refuse to the Universities exemption from the contributions voted by Parliament. This is very evident from a letter, written the 17th of July, 1620, by one of the Cambridge Members of the House of Commons, and most kindly communicated to me (from the manuscripts in the British Museum) by Thomas Wright, Esq., the well-known author of "Queen Elizabeth and her Times." — "You must know by the way," runs this letter, "that we of the Lower House do find ourselves scandalized by both the Universities, for some public speeches used by men in chief place among them, in disgrace of our proceedings, &c. &c., making us no better than church robbers, for our acts of Reformation in the Church. Whereof complaint being made in the Lower House, at such time as the Bill of Subsidy was in question, *wherein the Universities by custom have exception, it grew now to a great doubt whether we should afford them that accustomed favor.* In conclusion, we thought not fit to punish societies for private men's faults; but order was given to the Speaker to write to both Universities, to admonish them of their indiscretion." One might almost say, that the exemption from taxation was done away with "*ipso facto*," when the University gained representatives in the Lower House; although (or perhaps because) the privilege referring to it says nothing about the matter. Such representation implies participation in voting the subsidies, although in certain cases, these may have been afterwards remitted. But according

to the above quoted letter, this "exemption by Custom" was evidently more than seventeen years old: and I am more inclined to believe, that the franchise was extended to them, *because* they had fallen under the taxation. That the Universities, since the Revolution, have not been exempted either by custom, or favor, or privilege, is well known: and without evidence we may take for granted that the exemption was lost in the great Civil War, and was not recovered by the Restoration.

Note (91) referred to in Page 242.

On Acts of Parliament which concern the Universities.

Passages in proof of the statements in the text are numerous in all the different sources of the History of the Universities: (Wood, Ayliffe, Dyer, Rymer, the Parliamentary Rolls, &c.) In fact, when the Lower House of Parliament either did not as yet exist, or was quite in embryo, all important interests of the Universities seem to have been discussed "before the Grandees," — "before the Nobles," — afterwards, "before the Commons," — "before the Parliament," — "before the Orders:" and many of the most important decisions were made "by the authority of the Nobles," — "of the Orders," — "of the Parliament." I will here refer only to the decisions given in 1290 by the King, in and with Parliament, concerning the complaints of the Oxford townspeople: by which decision the most important privileges of the Universities were confirmed. It is clear, that by Parliament at that time was meant the Nobles; and that when the Lower House had become more prominent, the Commons took a similar part. One of the first clear instances, that I am aware of, is of the year 1472. The University pleads, (Rol. Parl. vii. 33,) "that by assent of the Lords spiritual and temporal, and of the Commons of this your realm, it may please, &c. to ordayne, establish," &c. This, it may be said, was but a trifling affair. If however the Parliament would interfere in it, how much more in greater cases!

Note (92) referred to in Page 284.

On the University Disputations of the Eighteenth Century.

In proof of the degeneracy of the University Studies in the last century, I need only refer to Küttner's "Beitrage zur Kenntniß von England." This excellent work might put to the blush the conceited, ill-judged, unprofitable productions of our modern travellers; and it continues to be a manual indispensable for all who would understand that country; the more recent state of which is throughout closely connected with its previous condition. Küttner's account refers more immediately to the second half of the eighteenth century; but if any alteration had by then taken place, it was for the better: so that the earlier period, *à fortiori*, deserves the severest censure justly applicable to the later.

Among the many details extant, I will here give only an example (from the Terræ Filius) of a *disputatio quodlibetica*; which is not likely to have been among the dullest of its kind. [The original is in Latin.]

Opponent: I propose to you, Sir, this question: whether action on a distant body is possible. — *Respondent:* It is not possible. — *O.* It is possible: therefore you are mistaken. — *R.* I deny the antecedent. — *O.* Here is my proof. If it be granted that there is an emanation of force from one who acts when he is distant, then action on a distant body is possible. But such an emanation of force exists; therefore, &c. . . . . — *R.* I deny your minor. — *O.* Here then is a proof of my minor. The Vice-chancellor is the agent; and there is an emanation of force from him when he is distant; therefore, &c. — *R.* I deny your minor. — *O.* Here then is a proof of my minor. If when holding a disputation in the little go (*? parvisiis*) or with his hat on, any one is afraid and is affected in mind, though there is a space between the Vice-chancellor and the disputant or him that has his hat on; then there is emanation of force from the Vice-chancellor upon a distant body. But he with hat on does fear, and does suffer; therefore, &c. — *R.* I deny both your minor and your inference. — *O.* The minor is certified by the most perfect discipline and experience of the

University: the validity of the inference is undeniable; since to inspire fear is an action upon somebody. — Moderator: A distinction is needed in your argument. Fear does not proceed from an emanation or effluvium from the person of the Vice-chancellor; but from his Beadles, who possibly by their sticks inspire fear, &c. &c. . . .

Such jokes as these are among the less ordinary effusions of talent. Generally, the whole party — Moderator, Opponents and Respondents, — passed the prescribed half-hour in reading or talking.

Note (93) referred to in Page 289.

On the petty persecution of Whigs in Oxford, in the last Century.

For an account of the matters here alluded to, in as far as they do not rest upon well-known facts of English History, I refer my readers to the notorious "*Terræ Filius*" of Amherst, (1721.) That work, no doubt, was a patchwork composition (more malicious than witty) and in fact, a libel from a not very reputable partisan; as his after-career in life fully proved: and is anything but authentic testimony for the state of things at that time, and even much later, at Oxford; as Meiners, and many others, both English and Germans, have made it. I do not consider myself at all called upon to enter into any minute criticism of this, upon the whole unimportant, work. What we can collect from it is just sufficient for us, in connexion with other testimony of a less detailed and circumstantial but of a more trustworthy nature, and by comparing it with all the circumstances of the times, to establish the fact that all kinds of injuries were done to the Whigs of the University in the manner above described, and that even a permanent, systematic, and secret Terrorism was exercised over them. There is no doubt, at the same time, that many a blow fell upon those who deserved it, and that many who received these merited blows, passed themselves off for martyred Whigs — as may be seen very plainly in Amherst's instances. That honorable and respectable persons were also annoyed and persecuted in various ways, is proved by

the many vexations that so meritorious a man as Hearne was obliged to bear. He was one of the few Oxford men of his time who displayed any considerable degree of learning or science; although it was not as Professor, any more than Blackstone. It would be impossible for us to enter into details respecting these vexatious proceedings, even if they had any interest.

Note (94) referred to in Pages 305 and 361.

[In this Note, I propose to throw together a variety of Tables, of which the Oxford ones have been principally furnished to me either by Mr. S. W. Wayte or by Professor Powell, and the Cambridge ones have been collected by Mr. James Heywood. For other Tables, see Appendix I. to each volume.

Since 1837, the number of the highest Honors at Oxford has declined: indeed, in five years, only four Double Firsts are found, making that honor as *unique* as that of Senior Wrangler at Cambridge. I find it is not believed, that the standard of the Mathematical First has risen in the last seven or eight years; and it is certain that Christ Church and Oriel do not furnish members for the Class List as in former years. Perhaps therefore the difference is to be imputed to the fact, that so many of the abler youths now give themselves to the study of Ecclesiastical Antiquities.]

TABLE I.

(Extracted from a Table furnished by Professor Powell.)

HONORS OBTAINED AT OXFORD, FROM 1807 TO 1819.

	Classical Honors.	Mathem. Honors.	Total who passed.	Honors in both kinds
1807	10	6	22	6
1808	55	12	163	11
1809	6	14	144	10
1810	77	11	152	9
1811	74	15	153	12
1812	51	9	153	6
1813	71	14	182	10
1814	72	14	180	10
1815	56	9	169	7
1816	63	15	163	11
1817	69	12	181	7
1818	58	20	225	15
1819	69	11	218	7

TABLE II.

(Furnished by the kindness of Mr. S. W. Wayte, Fellow of Trinity College, Oxford.)

NUMBER OF STUDENTS WHO HAVE PASSED THE EXAMINATION FOR THE DEGREE OF B.A. AT OXFORD, FROM 1820 TO 1841.

Years.	CLASSICS.		MATHEMATICS.		Other Honors.	Without Honors.	Total.†	Double Firsts.	Honors in both kinds.
	1st Class.	2nd Class.	1st Class.	2nd Class.					
1820	10	25	5	6	23	160	225	1	4
1821	8	29	7	6	38	191	271	2	8
1822	19	37	10	8	43	171	279	4	9
1823	15	29	8	4	42	189	280	2	7
1824	9	32	4	3	37	215	295	2	5
1825	11	24	5	7	30	187	258	1	6
1826	9	21	11	2	35	213	284	3	7
1827	11	27	11	8	25	244	314	—	12
1828	8	26	5	8	36	185	259	3	9
1829	10	21	8	6	37	233	303	2	12
1830	11	17	6	7	28	210	273	1	6
*1831	12	30	11	4	67	165	279	4	12
1832	13	20	10	5	67	168	275	2	8
1833	19	28	6	6	90	147	291	2	7
1834	15	23	8	3	80	168	292	—	5
1835	12	28	7	4	72	175	292	3	6
1836	11	27	8	7	87	146	276	5	10
1837	19	27	5	9	81	131	261	1	11
1838	10	20	4	7	85	155	274	1	7
1839	11	21	2	7	66	149	245	1	11
1840	11	23	4	5	71	210	323	—	1
1841	9	31	6	3	82	154	272	1	13

* After the year 1830, the *Fourth Class* was added.
† I have supplied the column of Totals, from a Table of Professor Powell's.

TABLE III.

AVERAGES, COMPILED FROM THE LAST.

Years.	CLASSICS.		MATHEMATICS.		Other Honors.	Without Honors.	Tota .	Double Firsts.	Honors in both kinds.
	1st Class.	2nd Class.	1st Class.	2nd Class.					
1820–24	12·2	30·4	6·8	5·4	36·6	185·2	270	2·2	6·6
1825–30	10	22·7	7·7	6·3	32	212	282	1·7	8·7
1831–36	13·7	26	8·3	4·8	77·2	161·5	284	2·7	8
1837–41	12	24·4	4·2	4·2	77	160	275	·8	8·6

TABLE IV.

FROM PROFESSOR POWELL.

Years.	Matriculated.	Examined.	Classical Honors.	Mathematical Honors.	Total who passed.	Honors in both kinds.	Took B.A. Degree.	Took M.A.	Divin. Degree.	Medical Degr.	Civil Law — (Ordinary.)	Civil Law — (Honorary.)
1837	421	—	124	24	261	18	—	—	—	—	—	—
1838	393	—	105	24	274	10	—	—	—	—	—	—
1839	404	374	86	26	245	12	254	176	16	4	7	16
1840	396	419	97	22	323	6	288	177	13	5	11	1
1841	441	399	105	27	372	14	286	179	27	2	13	9

[I am sorry that this Table is incomplete. The great excess of those in the column of *Examined* over those who *Passed* is at first very startling; as though on an average more than one out of every five candidates were rejected. But a large proportion of this fifth must consist of those who give in their names to be examined, but afterwards withdraw them and postpone their trial to the next occasion.]

TABLE V.

CAMBRIDGE, JANY. 19th, 1839.— AT THE B.A. COMMENCEMENT.

Wranglers	41	
Senior Optimes	52	
Junior Optimes	30	
	— 123	
Degrees allowed	17	
Ægrotats	2	
	— 142	
Ordinary degrees	119	
Allowed to pass	4	
Ægrotat	1	
	— 134	
Complete Total of those qualified to graduate		276

TABLE VI.

(*Extracted from the Grace-Book of the Senate.*)

MATRICULATIONS AT CAMBRIDGE, FROM 1810 TO 1839 INCLUSIVE.

Year beginning	Noblemen.	Fellow-Commoners.	Pensioners.	Sizars.	Total.
October, 1810	3	48	124	38	213
——— 1811	16	60	168	21	265
——— 1812	2	31	170	39	242
——— 1813	4	55	173	31	253
——— 1814	2	53	215	26	296
——— 1815	4	44	212	35	295
——— 1816	2	36	227	33	298
——— 1817	2	44	257	27	330
——— 1818	9	55	302	61	427
——— 1819	1	54	316	56	427
——— 1820	5	52	306	50	413
——— 1821	4	54	319	50	427
——— 1822	0	43	303	51	397
——— 1823	1	55	352	54	462
Ending July, 1824					
Year beginning					
10th Oct. 1824	2	34	354	57	447
——— 1825	3	42	388	45	478
——— 1826	2	37	342	45	426
——— 1827	4	41	365	47	457
——— 1828	5	41	359	56	461
——— 1829	3	39	330	53	425
——— 1830	1	30	377	45	453
——— 1831	1	32	334	40	407
——— 1832	6	42	354	38	440
——— 1833	1	38	324	39	402
——— 1834	8	34	360	45	447
——— 1835	1	25	354	38	418
——— 1836	1	32	349	48	430
——— 1837	6	35	356	38	435
——— 1838	1	30	326	12	409
——— 1839	0	28	388	43	459

TABLE VII.

(From the Grace-Book of the Senate.)

DEGREES AT CAMBRIDGE FROM 1810 TO 1840 INCLUSIVE.

Years.	Nob. et. taug. Nob.	Degrees by Royal Mandate.	D.D.	LL.D.	Licensed Practitioners.	M.D.	B.D.	Tot. Years M.D. B.D. Stat. Cl.	LL.B	M.B.	M.A.	B.A.	B.A. &c. Incor.	Mus. D.	Mus. B.	Total.
1810	10	2 D. D.	4	0	0	3	1	4	12	2	85	122	6	0	0	251
1811	35	2 D. D. / 1 B. D.	3	2	0	0	3	2	5	3	102	129	3	0	0	290
1812	15	1 D. D.	1	0	2	0	5	1	16	1	92	154	4	0	0	292
1813	3	1 M. A.	3	1	3	2	5	3	10	5	82	142	3	0	0	263
1814	11	2 D. D.	3	2	2	0	4	3	9	2	105	165	0	0	0	308
1815	9	3 D. D.	6	1	1	0	4	1	2	3	93	159	2	0	0	284
1816	15	2 LL. D.	4	2	2	2	9	2	16	4	99	169	2	0	0	328
1817	10	0	1	1	2	2	6	2	14	3	128	189	1	0	0	359
1818	10	0	3	2	0	3	6	1	8	2	120	219	4	0	0	378
1819	23	1 M. A.	2	1	2	2	6	3	18	1	135	179	3	0	0	376
1820	10	1 D. D.	4	1	0	3	2	0	12	6	119	183	5	0	0	346
1821	13	1 D.D.	4	0	0	2	5	1	18	0	140	212	1	0	0	397
1822	7	2 D. D. / 1 M. A.	4	0	3	2	3	6	11	6	138	284	2	0	0	469
1823	8	1 M. D.	5	2	0	1	5	5	9	1	128	292	2	0	0	459
1824	11	0	4	3	2	0	11	3	16	16	157	299	1	0	0	513
1825	5	5	8	1	3	5	3	5	16	0	198	335	7	1	0	602
1826	9	0	4	3	1	3	9	9	14	7	163	283	2	0	0	507
1827	4	0	2	0	3	3	9	8	13	14	204	222	3	0	0	575
1828	4	1	4	0	3	0	6	7	12	2	238	335	2	0	1	625
1829	6	2	6	0	6	4	4	9	21	9	180	313	1	0	0	561
1830	5	2	2	0	2	7	6	8	16	5	190	324	1	0	0	568
1831	11	1	7	1	4	5	9	4	9	18	194	327	0	0	0	580
1832	6	0	2	0	3	3	3	7	12	0	180	318	0	0	0	544
1833	17	0	2	1	3	3	8	7	13	9	201	302	0	0	1	567
1834	8	0	3	1	3	3	4	14	9	8	185	305	0	0	0	543
1835	36	4	1	3	8	4	4	5	7	8	214	314	2	0	0	610
1836	7	3	5	0	11	6	11	5	15	4	194	295	2	0	1	559
1837	7	2	3	0	2	4	6	4	5	4	180	303	1	0	0	521
1838	8	2	3	0	4	2	9	3	6	2	181	315	1	0	0	536
1839	6	3	14	2	1	6	5	4	7	5	205	338	1	0	0	597
1840	8	5	5	1	1	3	1	2	8	3	213	339	0	0	0	596

TABLE VIII.

MEMBERS OF THE UNIVERSITY OF OXFORD WHO WERE IN ACTUAL RESIDENCE, MAY, 1842.

		University College	Balliol.	Merton.	Exeter.	Oriel.	Queen's.	New College.	Lincoln.	All Souls'.	Magdalen.	Brazennose.	Corpus.	Christ Church.	Trinity.	St. John's.	Wadham.	Jesus.	Pembroke.	Worcester.	St. Mary's Hall.	Magdalen Hall.	New Inn Hall.	St. Alban's Hall.	St. Edmund's Hall.	TOTAL.	
Graduates.	Heads of Houses	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	—	—	1	1	1	22	
	Vice-Principals, (of Halls,) &c.	—	—	—	—	—	—	—	—	—	—	—	—	7 Canons	—	—	—	—	—	—	1	1	—	1	1	11	
	Fellows — Above B.A.	6	7	5	9	8	7	8	6	9	15	10	8	19	7	9	7	6	5	7	—	—	—	—	—	158	Fellows.
	Fellows — B. A.	—	4	2	2	3	—	3	2	3	1	—	—	15	—	3	—	—	—	—	—	—	—	—	—	38	
	Members not on Foundation — Above B. A.	—	1	—	2	3	3	1	3	—	1	7	—	2	—	2	1	—	—	5	3	3	2	—	—	39	Members not on Foundation.
	Members not on Foundation — B.A.	4	2	1	7	3	2	—	3	1	—	11	—	7	—	1	2	—	3	—	1	6	3	1	1	59	
	Scholars	2	3	2	1	1	3	—	2	—	6	2	5	—	—	—	1	3	5	3	—	—	—	—	—	39	
	Chaplains	—	—	—	—	—	—	7	—	—	4	—	2	8	—	—	1	—	—	—	—	—	—	—	—	22	
	Clerks	—	—	—	—	—	2	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3	
	TOTAL	13	18	11	22	19	18	21	17	14	28	31	16	59	8	16	13	10	14	16	5	10	6	3	3	391	Graduates.
Undergraduates.	Fellows	—	—	—	2	—	—	18	—	—	—	—	9	—	—	9	—	—	—	—	—	—	—	—	—	29	
	Scholars	8	10	10	5	3	10	—	13	—	5	20	4	17	10	—	8	5	13	8	—	—	—	—	—	134	
	Exhibitioners	1	—	—	—	—	4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	9	
	Bible Clerks	—	—	2	—	4	—	2	1	4	4	—	—	—	—	2	2	—	1	1	1	—	—	—	1	25	
	Servitors	—	—	—	—	—	—	—	—	—	—	—	—	11	—	—	—	5	—	—	—	—	—	—	—	16	
	Noblemen	—	—	—	—	1	—	—	—	—	—	—	—	4	—	—	—	—	—	—	—	—	—	—	—	5	Members not on Foundation.
	Gentlemen Commoners	—	—	—	—	6	—	2	—	—	4	—	4	23	—	3	1	—	—	5	2	18	2	—	—	70	
	Commoners	40	63	23	104	45	54	—	27	—	—	79	—	99	55	44	57	26	24	56	19	64	5	6	24	914	
	TOTAL	49	73	35	111	59	68	22	41	4	13	99	17	154	65	58	68	36	38	70	22	82	7	6	25	1222	Undergraduates.
	GREATER TOTAL	62	91	46	133	78	86	43	58	18	41	130	33	213	73	74	81	46	52	86	27	92	13	9	28	1613	[Residents. Complete Total of

TABLE IX.

TABLE OF RESIDENT MEMBERS OF THE UNIVERSITY OF CAMBRIDGE, IN NOVEMBER, 1840, WITH THE NUMBER MATRICULATED.

	Matriculations in November, 1840.	In College.	In Lodgings.	Total Resident.
Trinity	113	219	229	448
St. John's	86	239	103	342
Corpus Christi	27	78	35	113
Queen's	21	48	63	111
Caius	25	56	40	96
Catharine Hall	22	35	48	83
St. Peter's	16	58	17	75
Emmanuel	11	68	5	73
Christ	14	66	6	72
Pembroke	10	44	16	60
Jesus	8	55	5	60
Clare Hall	14	54	5	59
Magdalen	11	50	—	50
King's	2	34	—	34
Sidney	6	33	1	34
Trinity Hall	3	30	3	33
Downing	1	11	—	11
TOTAL	390	1178	576	1754

TABLE X.

MEMBERS OF THE UNIVERSITY OF CAMBRIDGE, WHO WERE IN ACTUAL RESIDENCE, MAY 1841.

		Trinity College.	St. John's.	Corpus.	Queen's.	Caius.	Catharine Hall.	St. Peter's.	Emmanuel.	Christ's.	Pembroke.	Jesus.	Clare Hall.	Magdalen.	King's.	Sidney.	Trinity Hall.	Downing.	TOTAL.
Graduates.	Heads of Houses	1	1	1	0	1	0	1	1	1	1	0	1	0	0	1	0	1	11
	Vice-masters, &c.	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
	Fellows M.A. & above	19	19	7	10	10	5	7	6	8	6	4	4	3	14	5	2	3	132
	Fellows B.A.	7	11	0	0	0	0	0	0	0	0	1	0	3	0	0	0	0	22
	M.A. and above, not on the Foundation	2	1	0	1	0	0	1	0	0	0	0	0	1	5	1	0	2	15
	Graduates lower than M. A.—(including scholars)	33	14	3	3	9	2	4	6	0	5	7	1	2	0	1	1	1	92
	TOTAL	63	47	11	14	20	7	13	13	9	12	12	6	9	19	8	3	7	274
Undergraduates.	Scholars	27	28	0	0	0	0	0	0	0	0	0	0	0	10	0	10	0	75
	Sizars, &c	17	51	0	0	0	2	3	0	0	3	0	0	3	0	0	0	0	79
	Noblemen	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
	FellowCommoners	10	2	2	6	2	8	3	0	0	0	2	0	1	0	1	4	0	41
	Pensioners	240	154	83	78	54	55	47	49	47	33	35	36	34	0	23	9	10	987
	Ten-year Men	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1
	Those who are keeping additional terms for B.A. degree	0	7	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	11
	TOTAL	295	242	85	84	56	66	53	49	49	38	37	36	38	10	24	23	10	1195
	GREATER TOTAL	358	289	96	98	76	73	66	62	58	50	49	42	47	29	32	26	17	1469

[Note.—At this time of the year, nearly 300 Undergraduates fewer are in residence, than in November, which accounts for the discrepancy between this Table, and that for November, 1840.]

PLAN
of
CAMBRIDGE
with the
17 COLLEGES
1842.

TABLE XI.

MEMBERS OF THE SENATE IN THE UNIVERSITY OF CAMBRIDGE, 1841.

	Clergymen.	Laymen.	Total.
1 St. Peter's College	72	21	93
2 Clare Hall.....	69	14	83
3 Pemberton	34	12	46
4 Gon. and Caius ..	86	54	140
5 Trinity Hall.....	21	28	49
6 Corpus Christi....	91	12	103
7 King's	46	36	82
8 Queen's.....	116	25	141
9 Catharine Hall....	82	9	91
10 Jesus	56	29	85
11 Christ's	87	29	116
12 St. John's.....	401	198	599
13 Magdalen	64	20	84
14 Trinity	481	498	979
15 Emmanuel	86	27	113
16 Sidney Sussex....	47	5	52
17 Downing	15	16	31
	1854	1033	2887

TABLE XII.

(Extracted principally from the Admission Book.)

COMPARATIVE TABLE OF THE NUMBER OF STUDENTS ADMITTED AND OF THE NUMBER OF GRADUATES WHO RECEIVED TESTIMONIALS FOR DEACON'S ORDERS, IN TRINITY COLLEGE, CAMBRIDGE, DURING TEN YEARS, FROM 1831 TO 1840.

Years.	ADMISSION OF STUDENTS.				Testimonials for Deacon's Orders, given by the Tutors.
	Pensioners.	Sizars.	Ten-Year Men.	Total.	
1831	151	8	0	159	41
1832	142	7	0	149	52
1833	134	10	1	145	47
1834	142	14	0	156	30
1835	136	8	1	145	38
1836	155	10	2	167	47
1837	117	6	2	125	38
1838	145	9	0	154	37
1839	116	8	0	124	40
1840	113	11	0	121	43
Total in ten years	1348	91	6	1445	413*

* It thus appears that only one-third of the Students admitted ultimately take Holy Orders; which is probably a smaller portion than in any other College of either University

Note (95) referred to in Page 313.

On English Cant.

It is against my will that I have touched upon the fruitful subject of English "Cant;" but it was impossible to do otherwise, as this evil spirit nowhere displays itself in such glaring colors as here: and I was naturally afraid that many persons not acquainted with this might be led astray by the hardihood with which the most notorious facts are overlooked or denied. Any one at all acquainted with England and English literature, and particularly the pamphlet, review and newspaper literature of the day, must know what I mean: to initiate those who are completely ignorant upon the point, I should have to write a whole treatise. The depths into which men, otherwise most honorably minded, may plunge in this species of falsehood, may be seen by the work lately published by Whewell, (London, 1837,) "On English University Education," in which he speaks with so much unction and simplicity of the exemplary morality and piety of the Cambridge youth, the watchful care of the tutors, &c., that one might believe, if charitably disposed, that he knew as little about the matter, as he evidently knows about the German Universities. To be sure, concerning these latter, his authority is Diesterweg, and in saying that, we say everything. There are Tories, however, in England, who are candid enough to laugh at such idle talk, and to do full justice to the truth. Among others I will cite the well-known and much respected Beloe: ("Sexagenarian," i. 87.) With many Whigs too, the spirit of "Cant" is so powerful, that they would rather sacrifice their enmity to the Universities than give up the fondly-cherished illusion that England is the most eminently, or rather the only, *moral* country in the world. In one respect however the results of the system of discipline in the English Universities is really to be preferred—namely, in the greater respect shown to the University and College authorities. This also, however, must not be rated too high. It is at least as much an outward formality, as the contrary (which apparently exists with us) is mere rudeness of

manner. It is paid to the more dignified *material* position of the English University authorities; just as the external want of respect with us proceeds from the total want of those external forms of dignity which exercise so much influence upon personal manner. We need only call to mind, how much is done on the part of the other powers of the country to shear the Academic Authorities of their due and necessary dignity. After all, true and inward respect and attachment is everywhere, in England as well as Germany, independent of mere outward signs: and it would be difficult to find instances at the English Universities of that sort of general feeling and independent testimony to the merits of their Professors and Teachers which is offered again and again by the youth of all the German Universities to theirs. The reason lies in the perfectly different and much higher intellectual and scientific position and sphere of action of the German Professors.

[*Remarks on the morality of the Universities.*

If it were not clear that our worthy Author always looks with an evil eye at would-be University-Reformers, whatever their class or complaint; it might seem truly extraordinary that he should ascribe* to the same spirit of Cant, and treat as equally unjustifiable, both the "hypocrisy" (as he says it should be entitled) of ascribing a high moral excellence to our Universities, and the outcry against their immoralities. Is it possible that he can be so unjust, as to shut his eyes to the substantial merits of a cause and a claim, because many voices which swell its cry, come from hearts full of bitterness and ignorance? or can he be so ignorant himself of English feeling, as not to know the disgust, with which tens of thousands of sober (for I need not say, pious) people, regard the immoralities of youth in those Universities, which are held up (to use our Author's words) as "holy asylums," not to be profaned by an unbelieving or Dissenting foot? True; things are altered now: the rake is reformed! but, alas, it will be long before he can earn a new character. News of this sort travels but

* See the Text; p. 313.

slowly; and when the temptation to hypocrisy is so great, and occasional instances of it notorious, much incredulity on the part of the public is inevitable. Indeed perhaps universally, the popular reputation of all national institutions of a moral and religious intention is borrowed from a past time, both veneration and disgust, under ordinary circumstances, outlasting their causes at least half a century.

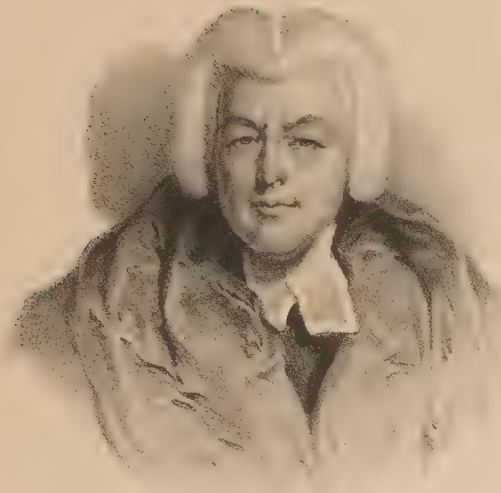
The great moral improvement in Oxford and Cambridge to which our Author bears witness, itself shows how unjust is his censure of those who have cried out for it loudly, and, be it granted, rudely: and it likewise forms an adequate *à priori* ground for maintaining that these Universities have not, even yet, attained to the greatest height of possible human perfection in this matter. It may be conceded to our Author, that the existing evil, so far as it is inevitable, is not to be groaned over: but what proof does he bring that it is inevitable? None but his own "sincere conviction founded on investigation," &c.: and on the ground of this he ventures to accuse of *Canting* those who complain. At the same time, no voices from without would be raised to reproach the University-authorities with these things, if the general system of decent panegyric, which he stigmatizes, did not diffuse far and wide a belief, that those authorities are thoroughly satisfied with the state of things, and indisposed to aim at farther improvement. It is not at all uncommon to hear from persons officially active in our Universities, the sentiment which our Author ascribes to one very eminent man; that "whatever defects these institutions have in comparison with those of Germany, on the score of *erudition*, are amply compensated by the *moral and spiritual influences* which ours diffuse." In short: as long as the advocates of the Universities insist on claiming for them far greater purity than is found in the mixed world, the public of course will carp and rail at follies or sins within the Universities, which would seem natural enough out of them.

But when we ask *how* the modern improvement has been brought about, we learn yet more distinctly that the academic authority is by no means so helpless in this matter, as our Author's statements

might imply. The *intellectual* reform, as far as it has proceeded, has drawn after it a *moral* reform. Whatever occasional anomalies may be quoted to the contrary, it is certain that the active pursuit of knowledge generally operates to improve the moral character of the individual, and the spiritual character of the Age. Doubtless, the young men who carried off the various University and College prizes from the year 1801 to the end of the War, were morally superior to the mass; yet of these but few can have become permanent residents in Oxford, as so few Fellowships were as yet thrown open to any sort of fair competition. The first College which in this respect became celebrated, is Oriel; and to two successive Provosts, — of whom the latter still lives, Dr. Coplestone, now Bishop of Llandaff, — the University is deeply indebted, for the energy with which they carried out the principle of electing to the Fellowships the ablest candidate. The Oriel doctrine established under Dr. Coplestone, was, that though moral reasons might in strong cases become an adequate preliminary objection to admitting a name into the list of competitors; yet, after permission to compete had once been given, the decision should depend, singly and solely, on the literary ability displayed in the examination. The result was, that Oriel College became celebrated for its body of accomplished Fellows; men differing in tempers, pursuits, genius, religious and political views, but agreeing in ability, moral worth and (to say the least) religious respectability. Other Colleges were at first jealous of the superiority and angry at the supposed claims of the Oriel men; but in time, first one and then another, began to imitate their proceedings. It was gradually found, that to have a high reputation, a College must stand high in the Class List: but this could not be, unless it had good Tutors; and as the Tutors are taken from the Fellows, it needed an able body of Fellows permanently to afford competent Tutors. Thus, in spite of crippling Statutes and (very often) unworthy executors of them,— in spite of old habit and dread of innovation, — the leaven, which had once begun to work, has already to no small extent leavened the whole lump. The present generation of resident Fellows, taken as a whole, is beyond a doubt very

superior in moral worth to those of thirty years ago ; and the same causes which have made them so, are more actively than ever at work among the Undergraduates, — viz., a greater opening of the eye to what is true, beautiful and instructive, and a profitable filling up of that time and application of that energy, which would else have been spent in the company of grooms and jockeys,— perhaps in hunting, and in the immoderate banquets which naturally followed a diversion alike exciting and exhausting. Our Author's opinion that the opportunity of hunting at the University is a great benefit, and his calling the sport itself "one of England's greatest blessings;" may be lawfully smiled-at, as the mistake of a foreigner. Even when enjoyed by some old squire, with the parson at his side, it was always difficult enough for English natures to separate the sport from scenes of odious intemperance : but at the Universities, where a body of young men were associated in it with one another, and with lacqueys, grooms and huntsmen, ready to become ministers of every vice for lucre's sake,— without the restraint of father or senior friend,— it cannot be doubted that the results were peculiarly mischievous. It is however notorious, that at many Colleges in old days, and at some to quite a recent period, the moral character of the ruling body was far too low to have any beneficial influence on the Undergraduates : and private reproof or a public sermon on any of these practical questions must inevitably have aggravated the evil. Personal interest and loving counsel must very rarely indeed have been possible.

Another society, Christ Church, bore also an eminent part in the intellectual Reform. Whether indeed to its celebrated Dean, Cyril Jackson, or to Dr. Eveleigh, Provost of Oriel, the University is more indebted for the introduction of the new system of Examinations, it may be very hard to say. In his large community, Dean Jackson succeeded in finding energetic men to fill the office of Tutor, who would not endure that their Undergraduates should be less successful than those of Oriel in obtaining the honors of the Public Schools : and probably the rivalry of these two bodies, more than any thing else, secured the steady advance of the new Class-system. Yet, — since even to this day the Studentships of



Christ Church are given away by a direct nomination,—honorable as is the use generally made of that power,—it could not be a pattern to other societies; nor do I believe that it has had any influence on the rest to compare to that of Oriel. Oxford appears to stand alone in the midst of England in one respect: viz., it has been so little influenced by the great Evangelical movement which began from Whitfield and Wesley. Its regeneration (such as it is) has been wrought out from within, and in no small degree in hostility to the Evangelical party of the Church: a fact which throws some light on its existing state.

The real difficulty connected with the moral regimen of a University, was clearly stated in an able article of the Edinburgh Review, as consisting in this: that in the world at large, the Public Opinion which regulates morality and punishes such immorality as the Law cannot touch, is formed from the minds of all ages and both sexes; but in a University, the local public opinion which rules among the Undergraduates, proceeds from very young men alone. The mere statement is enough to carry conviction to well-informed minds, that this is the nucleus of the disease; and the experience of these two Universities shows that the cure is by no means so hopeless as Professor Huber thinks. If it were so, they would be destined always to be, as they certainly were, more corrupting places than are elsewhere to be found in reputable circles; and it would be the strongest argument for destroying them as nuisances to society, if with this actual immorality, they must needs combine a high religious profession. But the moment it is understood how large a proportion of the College Fellows, especially where the election is freest, are under the age of thirty, it is clear that Oxford and Cambridge have materials for counteracting the evil, which do not exist in the German Universities. If that free and kindly intercourse between the resident Fellows and the Undergraduates, in which the noblest natures most delight, were fostered, instead of being thwarted, by tradition and precedent; a large part of the Fellows would naturally bear the place of elder brothers to the Undergraduates, and would become the link so much to be desired between the youthful fluctuating

mass, and the more aged fixed residents: and there appears every reason to believe, that the sympathy of the Undergraduates with the more elevated minds of the Fellows, has contributed largely to the moral progress made in the last fifteen years. Certainly the phenomena which have accompanied the religious movement to which the name of Dr. Pusey has been attached, strongly indicates, that if the University-youths were previously careless to such topics, it was because they had not seen among the seniors any such union of learning and station with generous and enthusiastic piety, as was calculated to attract them; and I am confident that scores of Fellows from both Universities could testify, how susceptible to all such influences are the natures of our aristocratic youth. But that to which they are pertinaciously *un*impressible, and which has exasperated tenfold the moral disease of our Universities, is, the system of technical rule which has fixed its roots so deeply there. As strangers cannot by any mere hints understand what is meant, it is necessary to explain this distinctly, more especially since Professor Huber has nowhere noticed it.

After taking the Bachelor's Degree, a Student at Oxford is admissible to dine at the High Table with the Fellow, and to sit in the Fellows' Common Room; and a Bachelor who is likely to continue in residence either in Oxford, or Cambridge, often passes abruptly from the society of Undergraduates, and, in a single year's time, associates almost solely with Graduates. At any rate, by the time that he takes his *Master's* degree, which is generally about the age of twenty-five, his contemporary Undergraduates have either vanished from the place, or have passed with him into the elder and ruling part of the University. Unless therefore a positive effort be made to form new acquaintances with the younger men, he becomes absorbed completely into the body of the fixed residents. From various causes it sometimes happens, that very young Fellows are called to be Tutors, and, as such, to bear an important place of authority in matters of discipline: and the old doctrine used to be, that without much technical formality, men so young could not keep up discipline at all. At any rate the young Fellow would be in danger of imbibing airs of

self-importance. The term *Don* is familiarly used to denote a character, who is actuated by a petty love of form and of power; who, upon attaining his Degree, aims to separate himself as widely as possible from all familiarity with Undergraduates, although he may be but two or three years older than they: puts-on the air of a man of middle age; avoids all use of their common phraseology, and behaves with a rather stiff politeness and condescending kindness. This is the machinery, by which an exterior decency of deportment may *perhaps* be more uniformly kept up, than would be possible without it: but young men are keenly alive to the true state of things, and resent its absurdity. A sort of enthusiastic perverseness is called out, to resist or outwit one invested with scholastic authority, whenever a love of power is perceived in him, and a sense of personal dignity: much more, if admonitions are given for decency's sake and for form's sake, are they received as meaning nothing. In short, *Donnism*, wherever it exists, destroys that simple acting of heart on heart and conscience on conscience, which is God's great instrument for regenerating society and for the training up of youth; without which, College-restraints on high-spirited young men certainly cannot be of any moral benefit. It is however by no means true, that the University-youth spurn at all restrictions: on the contrary, a severe Proctor is often more popular than one who is lax. They look to the *motives* of his severity, and to the *manner* of the enforcement, far more than to the amount of the restraint. If they find in him a ready and cordial granting of all that can be yielded, an unassuming deportment, an indisposition to meddle in petty matters or to enforce anything for* mere form's sake, they only respect him so much the more for strictness in matters of moral seriousness. The spirit of the *Don*, which so offends them, may of course exist at every time

* By far the worst uproar which took place in Oxford during my personal acquaintance with it, was occasioned by the (then) Dean of Christ Church forbidding his Undergraduates to hunt *in red coats*. A night or two afterwards, they daubed over with red paint all the doors of the Dean and Canons; and when inquiry into this was instituted, they the next night wrenched the doors off their hinges and made a fire of them in the Quadrangle. Had they been forbidden to hunt *at all*, they would probably have been less exasperated, because this would have seemed to involve a moral end.

of life, though it is most offensive in the young official. In mean and vulgar natures it naturally takes root, in consequence of the formal deference, which, in College or University office, they habitually receive, and that, from many of higher worldly rank than themselves.

But this is to touch another side of the subject. In the actual working of the system, a singular anomaly is found: — that while the rising branches of our noblest families enter the Universities to receive instruction, the persons to bear authority over them are nearly always men of but middling rank, and sometimes of almost plebeian origin. In most Colleges, or at least in those which are practically most important, "poverty" is essential to becoming a candidate for a Fellowship; where "poverty" means the absence of landed estate, or of funded property above a very small amount. The Fellowship is in the same cases generally forfeited by succeeding to property, and always by marriage; so that men of aristocratic connexions seldom in any case remain to become Senior Fellows: on the other hand, only the older Fellows are likely to be elected Heads of Colleges or even of Halls, and thus to pass into the academic Oligarchy. It is reasonable to believe that these arrangements really do exclude men of high or good family from holding authority in the Colleges and University; for no small proportion of First Classes and Prizes is carried off by men of aristocratic circles. The advantages which wealth commands, — such as the best tutors from an early age, and access to the most intellectual society, — with the more generous stimulus given by the love of knowledge for its own sake; to say nothing of the desire of fame; fully make up for the stimulus of famine, supposed to goad poorer students on to great exertion. Indeed it is hardly probable, that *at present* even the younger branches of our aristocracy would like the thought of becoming College Tutors. The office needs to be purified from its semi-plebeian associations, to say nothing of the drudgery, which is imposed in dealing with ill-prepared students. But that drudgery would almost vanish, if the Universities had (what they will probably at length adopt) an efficient Entrance-Examination conducted by University Officers:

and in the instruction delivered by the Public Professors, no school-work of this kind shows itself at all. It is however chiefly in the post of Public Professor that without very great changes men of higher rank might be found: for the English aristocracy are ambitious of honor, wherever it is to be had; and their junior branches by no means shrink from severe and persevering application in employments which fashion has consecrated. It is an anomaly, that while they aspire to the dignified offices of the Church, they are excluded from those of the Universities: yet their admission into the governing body of the latter would surely be attended with many advantages. In fact, that the *want* of adequate rank in those who have to bear rule over young men of rank, would naturally produce serious evils, is too plain to need more than hinting at: and the headship of Colleges would be a post most of all fitted for them, if it were possible. A collateral advantage gained by every step in this direction would be, that if the aristocratic element within were thus strengthened, — not by form or statute, but by nature and sentiment, — the Universities would be still better able to endure whatever danger of democracy some might apprehend from the influx of new pupils with new studies. At the same time, as the great meeting-places of all the intellect of the nation, and, in no small degree, (to use our Author's phrase,) the door for passing into the aristocracy; they would be reconcilers of party-strife, interpreters of all to all, and would link together the sympathies of myriads instead of thousands.

One branch of this fertile subject still remains; the inadequate supply of educated female society at the Universities. — To make any direct effort for increasing the supply, would probably be alike useless and ridiculous: yet we may be right in saying, that measures which tend to diminish it, are, in so far, hurtful; and measures which, while good for other reasons, have the secondary result of increasing the number of resident families, are so much the better for that. The regulation which* practically ejects a Tutor from his office in case of his marrying, is of the former kind. It has two bad results: first, it deprives the Colleges of the

* Several exceptions to the *fact* can be pointed out.

services of their ablest members, just at the time when their talents and experience are ripening; so that those which have the most capable Fellows, are most exposed to the inconvenience of too young Tutors: for as a *general* rule, the cleverest men marry earliest, since they most easily find other means of supporting themselves. But secondly, the number of resident families is greatly diminished by the Tutorial celibacy: and the same may be said of non-resident Professors. It is hardly requisite to argue and prove, that the company of educated and amiable females tends to soften the boisterous spirits of youth, and to sustain in them the same modesty and discretion, which they observe in the presence of their mothers and sisters: to have alluded to the topic is sufficient.

My object in writing this long note, is, to show, (1) that whatever moral improvement has already taken place in Oxford, has arisen according to an intelligible law of causation, as a result, primarily, of University regulations, and secondarily, of College elections; and (2) that no one has any right to suppose with our Author, that all has now been attained which can be attained, and that Universities must be of necessity immoral places. If ever they are to deserve veneration, their moral atmosphere must be purer and more healthy than that of the mixed world — not by any formal restraints, but by higher influences and sympathies; and Professor Huber's defence of them, because they are (or were?) *only something worse* than the world, is to me highly offensive. With the great advantages which they enjoy in England, I believe they ought to be eminent alike in a moral and in an intellectual view; and if they are not, it is to the discredit, — not perhaps of any one individual who can be named, — but of the whole system. To inculcate the necessity of their corruption, is to paralyze all efforts at improvement. Rather, let every person in official power there count that nothing is done, until he is able to invite his friends (cordially and without "Cant") to send their sons to the Universities as to Schools of virtue, if not of piety: and those who with simplicity of heart, and without mawkish or false morality, aim at this end, will have all the aid which Parents or the

Legislature can give them; — will be "acceptable to God and approved of men."]

Note (96) referred to in Pages 353 and 354.

[As the subject is one of considerable interest, and our Professor's notices are not all accurate nor very explicit, I thought it desirable to draw up a connected statement here concerning the *books* which enter the Oxford Examinations.

The system of *taking up books* distinguishes Oxford from Cambridge; and (though as an Oxonian, I may be partial) it appears to me to have great advantages. The candidate previously delivers-in a paper, stating in what particular books he is willing to undergo examination; and his list at once shows at what *Class* he is aspiring. The Statutes limit his choice to the Greek and Latin writers *potioris notæ*; and it is rarely that any student goes beyond a well understood circle of books. The effect of this arrangement, is, to enable Examiners to put questions concerning the substance of the Author; and although History and Philosophy have no separate place as Scholastic Faculties, yet a certain portion of both is in this way often learned very thoroughly. At Cambridge, as I have been informed by a judicious friend, it is not a very rare thing for students so to concentrate their attention on mere language and style, on the manual called "The Greek Theatre," and on books of Greek and Latin Antiquities, as to be quite unacquainted with the contents of any one work; having perhaps not read a single author through. This is a result of not offering any definite books. On the other hand, the abuse of the Oxford system, is, that as Examiners occasionally ask minute questions about dates, numbers and petty events, many candidates are led injudiciously to overtask their memory in learning such matters, not knowing perhaps how venial incorrectness in many of these will seem to the Examiner.

Confining my attention first to the Classical Branches, I propose to state the two extremes; that is, the *minimum* of what is required to obtain the Degree at all; and the *maximum* of what is ordinarily

taken up for a First Class. It must however be observed, that the *minimum* does not and cannot give much idea to scholars without, as to the real state of things; first, because it is the policy of both Universities to keep the minimum so low as on no account to frighten away the aristocracy, and yet it may be true, that a very handsome proportion of those who pass their Degree without distinction, pass considerably higher than the minimum; which I believe to be the case. But secondly, all depends on the *quality* of the performance. No alteration has been made, I believe, in the nominal minimum for the last thirty years or more; yet through the gradual improvement of the Public Schools, and the improved material on which the Universities now act, it is not questionable that the standard has gradually risen of itself. Our Author's comparison of Oxford to Cambridge in the Note to page 361, is quite ill-grounded; for the average quality of a Degree is decidedly different in the two cases, and is believed to be higher at Oxford. Moreover the step upwards from the Oxford minimum to the Oxford Fourth Class, would seem to be much wider than that from the Cambridge minimum to the lowest name on the Cambridge list of honors.

The candidate must pass his Examination in Divinity, and gain his certificate for proficiency in that branch, before he can even be heard at all in anything else. Under the head of *Divinity*, the Statute includes a competent knowledge of the four Gospels in the original, the general Bible History, and an understanding of the Thirty-nine Articles and the Scriptural proofs on which they rest.

He must sustain an examination in Aldrich's Logic, as far as the section called *Sorites*; unless he exempt himself from this by taking the first three books of Euclid instead.

He must further offer to the Examiners *three* classical writers at least; ("tres ad minimum scriptores Græci et Romani, melioris ævi et notæ:") but as it is thought dangerous to offer only three, since failure in one would be the more disastrous, it is, I believe, nearly the universal practice to take up two Latin and two Greek books. What is meant by a *book* is not easy to define: but the following will serve as examples of different lists. *Something* historical seems generally needed: —

LIST 1.	LIST 2.	LIST 3.
Porson's four plays of Euripides.	Four plays of Sophocles.	Twelve books of the Iliad.
Five last books of Herodotus.	Sixth and Seventh books of Thucydides.	Xenophon's Memorabilia.
Five first books of Livy.	Second decade of Livy.	The Annals of Tacitus.
Horace, entire.	Eclogues and Georgics of Virgil.	The Æneid of Virgil.

It will be observed that the second and third list here are decidedly superior to the first. Indeed the first probably sinks to the minimum of that which is ever proposed.

The candidate, finally, must be able to translate from English into Latin without gross grammatical inaccuracy. It is difficult to judge by description what is in this exercise the real minimum of quality, which can be allowed to pass; but unless the standard has very much risen in later years, it must be very low.

Thus we have completed all that needs to be said concerning the most ordinary examination: let us proceed to a First Class List.

The "Divinity" is altogether as before stated, as in this branch honors are not allowed. It is not possible to supersede Logic by Mathematics, in the case of a candidate for a First Class, (nor indeed for the Second and Third Class,) and beside Aldrich and part of Whately's Logic, selections from Aristotle's Organon are usually taken up.

The following is a good but not extraordinary First Class List.

(1) *Science.*	(2) *History.*	(3) *Poetry.*
Aristotle's Ethics.	Thucydides.	Æschylus.
——— Rhetoric.	Herodotus.	Sophocles.
——— Poetics.	Xenophon's Hellenics, [*or*, only first two books.]	Pindar.
[*Else*, Politics—*as harder than* the Poetics.]	Two Decades of Livy, [*or* Three decades.]	Select plays either of Euripides *or* of Aristophanes.
A philosophical treatise of Cicero, — *or else* — of Plato.	Annals (*or* Histories) of Tacitus.	[*Else*, Theocritus.]
	Polybius, first, second, and sixth books.	Virgil.
		Horace.
		Lucretius.
		Terence.

Many of these books might be exchanged for some others nearly equal in difficulty. The most unchangeable are Aristotle's Ethics and Rhetoric (*or* Politics), Thucydides, Herodotus, Æschylus and

Sophocles. Whatever the precise list of historical books, the candidate is expected to reply to questions in Greek History, as far as to the death of Epaminondas, and in Roman History to the end of the third Punic War, and again, the period comprehended in the Annals and Histories of Tacitus.

The Examination is partly *vivâ voce*, but principally on paper. The four Examiners deliver the* same printed paper to all* the candidates; but no candidate is expected to answer questions which refer to books which he has not taken up. The printed paper contains critical and historical questions, sometimes demanding of them short historical essays; beside numerous translations from Greek and Latin into English: also, translations* into Latin Hexameters and Greek Iambics. To write good Latin and Attic prose is likewise quite essential: deficiency in either would be fatal to the candidate's pretensions.

The most remarkable omission in all this, is in the names of Demosthenes and Cicero; whose works, and the period of History belonging to them, seem never to find a place in the List. This is no doubt due to the immense time and effort given to Aristotle. Whatever be the advantages gained by the acquaintance with his philosophy so inexorably demanded in the Oxford system, they are bought with great sacrifices: and the same may be said of the Latin and Greek Versification.

The regulations marked with an asterisk are, I believe, the most important of those introduced in 1830. That Versification was then for the first time brought into the Examinations, is to be ascribed to the influence of the University Scholarships, which, from the year 1825 onwards, have given a great impetus to Greek and Latin Composition at Oxford. When all the ablest students had been led to give so much of their time to obtain this accomplishment, it was no doubt found impossible to exclude it from the Public Examinations. Yet these Scholarships were founded by non-resident individuals! So easily may a University, by accepting endowments burdened with the stipulations of the Founder, yield up unwittingly the rights and responsibilities of government into the hands of private persons not always gifted with large and

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penetrating views; whose enactments nevertheless impress upon it a spirit *in perpetuum*, for good or for evil.

Some notice of the Mathematical Examination must now be added. It is only since 1825 that separate Examiners have been appointed for this department; at which era Mathematics appeared to become *de facto* a separate Faculty which had branched off from the Stock of "Arts." It includes all those Physical Sciences which are brought under the domain of the modern analytical Calculus; so that, previously to 1825, *Arts* was in theory a jumble quite worthy of the Middle Ages. We may regard 1825 as the era which decided the triumph of the New, as opposed to the Old, Mathematics at Oxford; but as it has been effected by thrusting the study itself into the Faculties, a common starvation is possibly the only result. Indeed the Public Mathematical Professors are (against their will) more inefficient than ever; since, through the exertions of the Colleges to provide Mathematical Tutors among their own Fellows, the little which needs to be done in this way is done without the help of the Professors. Yet an Oxford First Class in Mathematics is in itself at a very respectable elevation. The Examination lasts four days and a half; and the questions are directed to try the knowledge of the candidates in the following subjects:—

Pure Mathematics, as high as the Integral Calculus.
Mechanics, Hydrostatics and Pneumatics, treated analytically.
Opening of Newton's Principia, with the Elements of Physical Astronomy, treated analytically.
Geometrical Optics (analytically).
Elements of Plane Astronomy.

A small part of the Examination is conducted by word of mouth, but by far the most important part is in writing; and the chief stress is laid on the *application* of the principles of the books to solve problems set before the candidate. To answer the questions under *all* the heads set down above, is not absolutely requisite for a first class: thus, of the four Sciences,—Optics, Plane Astronomy,

Hydrostatics and Pneumatics,—the two first might be sufficient, or the first, third and fourth, or the second, third and fourth. It is difficult to describe the limit up to which the skill of the candidates must reach; but we may say generally, that in spite of tendencies and lapses into an opposite system, the prevailing rule is to aim at processes of analysis elevated in principle, rather than tangled and wearisome in detail. Their Integral Calculus barely reaches to Elliptic Functions and Linear Differential Equations; and their progress in Analytical Geometry and the annexed Physical Sciences is bounded by this line. Practical minutiæ are of course little sought after in any of the applications, as professional skill is not the object. In the actual management of the examination, there is not the *racing* of one against another in mere rapidity, which (as reported by Cambridge men) appears to strangers so unpleasing a feature of the Cambridge regulations.

The changes made in the year 1830, though doubtless on the whole for the benefit of the Classical Studies, affected the Mathematics more slightly, and perhaps not for the better. A *fourth* Class in Mathematics (as in Classics) was introduced; whether with any sensible advantage, I am unable to say: but, beside this, a step backwards was taken in the arrangements concerning Examiners. In 1825, as was noticed above, separate Examiners for Mathematics were appointed: but in 1830,—in order to relieve the Classical Examiners from a part of the drudgery which fell upon them,—instead of granting them assistance from other quarters where it might be had in abundance, the Mathematical Examiners were required to take part in examining the candidates for common degrees. The consequence is, that precisely those men, who, by their single devotion to Mathematics, are most competent to serve as Mathematical Examiners, are found sometimes to decline the office; because it would force them to spend time and thoughts on details long since forgotten and not valued by them.

About the year 1830, (I believe,) there was also founded a University *Mathematical* Scholarship; but it has not uniformly elicited candidates at all to the satisfaction of the Oxford Mathematicians. Indeed the annual average number has been only

three; while the Ireland Scholarships (for Classics) have an average of about thirty. The following Questions however, which were given last year, will show at what sort of standard they expect their candidates to aim. I am enabled to present them, by the kindness of the Rev. Professor Powell; and as they are *fewer* than those given for the First Class, I have preferred them to the Examination Papers of the Public Schools.

Questions given at the Oxford Mathematical Scholarship, 1841.

I.

1. Every equation has as many roots as it has dimensions, and no more. Give a proof.

2. What is meant by a *discontinuous* function? Illustrate by tracing a locus of such a function.

3. Three planes at right angles to each other are tangents to an ellipsoid: it is required to determine the locus of their intersection.

4. A vessel filled with wine has an orifice opened in the base; and as the wine runs out, the loss is continually supplied with water which mixes instantly with the wine. Find the proportions of wine and water after a given time.

5. Integrate

$$(1)\quad \frac{d^2y}{(dx)^2}+k^2y+k^2c=0$$

$$(2)\quad \frac{d^ny}{(dx)^n}-y=0$$

6. What is meant by *general* differentiation? Obtain a general expression for the nth differential coefficient of $u=\frac{1}{x}$.

7. A homogeneous prismatic beam rests with one end on a semicircular plate whose diameter is horizontal; find the nature of a curve supporting the other extremity, that it may be at rest at all inclinations.

8. It is required to determine the curve along which a body descending by the force of gravity exerts a pressure at any point reciprocally proportional to the radius of curvature.

9. State and prove the principle of least action, and apply it to the law of ordinary refraction of a ray of light.

10. The moon's motion may be represented by supposing it to move in an ellipse, the elements of which are continually changing. It is required to show this.

11. Determine the effect upon the elliptic orbits of the planets, if they are supposed to move in a medium in which the resistance varies as the square of the velocity.

12. What is meant by polarized light? Explain the separation of common light by doubly refracting crystals, and show that both rays are polarized.

II.

1. To transform $\frac{d}{dt}\left(\rho^2\frac{d\theta}{dt}\right)=T\rho$ and $\frac{d^2(\rho s)}{dt}=-S$ into equations in which θ shall be the independent whole.

2. The parallax and latitude of the moon being respectively

$$P=\Big(1+e\cos(c\theta-a)+m^2\cos[(2-2m)\theta-2\beta]$$
$$+\frac{15}{8}me\cos[(2-2m-c)\theta-2\beta+a]\Big)$$

and $$s=k\Big[\sin(g\theta-\gamma)+\frac{3m}{8}\sin[(2-2m-g)\theta-2\beta+\gamma]\Big]$$

to explain the effect of the different terms.

3. To investigate the variation in the eccentricity of a disturbed orbit.

4. It is required to give a physical explanation of the phenomena of precession and nutation.

5. To deduce the laws of the reflexion and refraction of light from the undulatory hypothesis.

6. Of all plane curves of a given length drawn between two given points, to determine that which by its revolution produces the solid of the greatest surface.

7. It is required to determine the color, origin, and intensity of a ray that results from the interference of two others having different origins and intensities.

8. To investigate a method of determining the longitude of a place by observing the distance of the moon from a star.

9. To enumerate the elements of a planet's orbit, and to show how they may be determined by observation.

10. To determine the curve of greatest inclination on the surface of an ellipsoid.

11. To integrate $du=yzdx+xzdy+xydz$ and the partial differential equations $(x-mz)\frac{dz}{dx}+(y-nz)\frac{dz}{dy}=0$ and $y\frac{dz}{dx}+x\frac{dz}{dy}=z$.

12. To find in how many trials there is an even chance of throwing all the faces of a common die.

III.

1. If $f(x+y\sqrt{-1})=P+Q.\sqrt{-1}$, then the roots of the equation obtained by eliminating y between $P=0$ and $Q=0$, will be half the sums of the roots of $f(x)=0$ taken two and two.

2. Trace the curve $\left(\frac{1}{x}+\frac{1}{y}\right)(x^2+y^2)=a$.

3. Explain how the solution of a differential equation may be facilitated in certain cases by differentiating it; and integrate the equation $s=a\tan^{-1}\cdot\frac{dy}{dx}$

4. Find the equation to a curve such that the product of perpendiculars on the tangent from two fixed points is constant. Show the connexion between the general and singular solutions.

5. If a string is stretched upon a surface by forces at its two ends, show that the osculating plane of the string at any point is perpendicular to the tangent plane to the surface, and that the pressure on the surface at any point varies inversely as the radius of curvature of the thread.

6. State and prove Sturm's theorem, and apply it to find the number of real roots of the equation $8x^3-6x-1=0$, and the whole numbers between which they respectively lie.

7. A conical surface is circumscribed about an ellipsoid. Find the surface which is always touched by the plane containing the points of contact, supposing the vertex of the cone to describe a sphere concentric with the ellipsoid.

8. If a rigid body moves about a fixed point, and is acted on by

no force, the instantaneous axis of rotation will describe a cone of the second degree within the body.

9. Find the moment of inertia of an ellipsoid about one of its principal axes.

10. Find the law of force in order that the attraction of a spherical shell upon any particle within it may be nothing. State the physical application of the problem.

11. From a bag containing three balls, each of which is either white or black, a white ball has been drawn (and replaced) m times successively. Required the probability first, that two of the balls are black; secondly, that in each of the n drawings a black ball will be drawn.

12. Light diverging from a point falls perpendicularly uopn a screen after passing through a small circular aperture in a plane parallel to it. Find the intensity of the light at the central point on the screen.

Note (97)* which should have been referred to in Page 358.

On the modern Cambridge Examination for the B.A. Degree — with remarks on English and German Philosophy.

The best idea of the present state of this affair in Cambridge, is given by the *Examination Papers;* for a selection of which belonging to the most recent time I am indebted to the goodness of Mr. Thomas Wright; of whose equally various and deeply grounded erudition the most delightful fruits already appear; and who, if any of his countrymen, seems destined to establish a most fertilizing channel of communication between the mind of Germany and of England. I may here refer also to a little-known and unpretending production, from which may be gained, by reason of the want of design and the naiveté of the perfectly well-informed author, perhaps the best picture of the new condition of the University, at least in Cambridge. It is entitled, *Alma Mater, or, Seven years at the University of Cambridge*: London, 1827:

* The references in pp. 354, 358, are misprints; so are those in pp. 392, 398, 400.

2 vols. It contains a very clear survey of the studies (private, Collegiate, or Academic) of a tolerably industrious and tolerably clever student.

For the principal features, the short notice in the University Calendar for 1838 suffices; and may here find a place, as it gives only a very general view. The Studies in Natural Philosophy include:

Euclid's Elements,	Optics,
Algebra,	Astronomy,
Plane and Spherical Trigonometry,	Fluxions,
Conic Sections,	Newton's Principia,
Mechanics,	Incrementos.
Hydrostatics,	

Under Moral Philosophy and Theology are included, the New Testament,* [or rather one of the Historical books in the original Greek, such as one of the Gospels, or the Acts;] Beauclerc's Introduction, [now no longer required;] Doddridge's Works, [not required;] Paley's Natural Theology; Paley's Evidences of Christianity; Butler's Analogy; Butler's Horæ Biblicæ, [not required;] Locke's Essay; and Duncan's Logic, [not required.]

[But Classics form a very important and prominent feature in education at Cambridge, and especially in the first year of the Undergraduate career. In Trinity College, and probably in all the other Colleges, lectures are regularly given to the first-year men, on a Greek play, a book of Greek prose, and a book of Latin, either in prose or verse, as well as on the elementary branches of Mathematics, Euclid's Elements, Algebra, and Trigonometry; at the end of the first year, examinations are usually held in each College, on these six subjects, and great attention is paid to the classical department, in which many of the students, from their acquisitions at public schools, naturally excel. Afterwards, College and University Scholarships are granted to students who are distinguished in Classical or Mathematical pursuits, and the subsequent attainment of high honors in the Mathematical or Classical Tripos

[* The words and paragraphs inclosed in brackets, have been added by Mr. James Heywood; as our Author's notices are in part antiquated and in part defective. The University Calendar for 1838 appears to have been copied servilely from old regulations; as if to justify our Author's remark, that, "even upon the spot, nothing is so difficult as to ascertain existing fact."]

is almost certain to be followed, if required, by the substantial reward of a College Fellowship.

The Classical books actually selected for the main subjects of the annual College Examinations are few in number, but the examinations are searching and laborious to all the ambitious students, and the examinations for College Scholarships, University Classical Honors, and College Fellowships generally include a wider range of Classical learning.

In the second year of College residence, the subjects of the first or previous University Examinations, familiarly termed the "Little Go," are usually adopted in the Colleges for lectures, and for the annual examinations; those subjects may include a Greek play, an historical book of the Greek Testament, Paley's Evidences of Christianity, and a Latin book. In addition to the examination in the Little Go subjects, Mathematical Papers are given in the second year, in the Colleges, on Mechanics, Differential and Integral Calculus, the first three sections of Newton's Principia, and the higher parts of Algebra.

The third year supposes greater advancement in learning, and Mathematical studies are then particularly encouraged: they include Optics, Hydrostatics, Astronomy, the higher parts of Newton's Principia, and Geometry of three dimensions; and the examinations also contain Classical subjects, a little Moral Philosophy, and a paper on one of the historical books of the Greek Testament, in which some Theological and Controversial Questions have been set, probably for the sake of the students who may intend to enter the clerical profession, and who constitute more than half of the Undergraduates of the third year, in the University. To answer these questions is not compulsory.

Residence for the Degree of Bachelor of Arts is still protracted, at Cambridge, until the end of the first quarter of the fourth year, after entrance, and the candidates for this Degree are examined either for graduation with Mathematical honors, or for the ordinary Degree; after the examination, they are classed and individually arranged, according to their proficiency, and all who obtain any Mathematical honor are allowed, if they desire it, to compete

for Classical honors in the Tripos, which is set apart for that purpose. It is to be regretted, that those students, who are not of noble birth, and who have but little taste for the pursuits of abstract Science, whilst they are well skilled in Classics, and who are eager to distinguish themselves in their own fields, are, nevertheless, not allowed to be examined in the Classical Tripos, unless they have first passed the examination for Mathematical honors. Noblemen, however, are permitted to compete for Classical honors, after having merely passed the ordinary (or *Pol.*) examination for the Degree of Bachelor of Arts, in which Classical subjects form a considerable portion of the Works required in the examination. Such a privilege might however be advantageously extended to Commoners, and the literary reputation of Cambridge would be thereby materially increased.

By a Grace of the Senate, of the 11th May, 1842, the following additional subjects in Theology will enter the examination for the B. A. at Cambridge in a few years' time.

1. The first fourteen or the last fourteen chapters of the Acts of the Apostles, and one of the longer, or not less than two of the shorter, Epistles of the New Testament in the original Greek.

2. The History of the Christian Church from its origin to the assembling of the Council of Nice, and the History of the English Reformation.

At the previous examination, some acquaintance with the Old Testament History is to be required from the students in the Lent term of 1844.

The new Ecclesiastical subjects for the B. A. Degree are not to be enforced before the Lent term of 1846, and the questions on the Epistles are limited to Grammar, History, and Geography.]

The list of "Standard" Works, [stated above, on the authority of the Oxford Calendar,] of course does not exclude a great number of others. Besides, the noble trade of *Cram-book*-making is hardly anywhere else so thriving, as in Oxford and Cambridge: a fact, which is sufficiently evinced by the Advertisements annexed to the University Calendars and to other books of the sort. One may confidently believe, that no considerable

philosophical author has arisen or will arise in England, without finding, more or less, a sphere of influence at the Universities. If the deistical school of the last century was regarded as forbidden fruit; I need not remind the reader that it was nibbled at so much the more eagerly.

Even the Idealists, like Berkeley, and the Scotch, like Dugald Stewart, were (to say the least) not recommended; but *that* is not the reason why they were less read: the fact is pretty well explained however by their inferior affinity for the predominating spirit and needs. About the history of Philosophy, and the historical importance of every critical period in the unfolding of the human mind, people in England think yet less *without* than *within* the academic precincts: and whatever goes on of this kind, — as by translations or compilations from the German, — proceeds chiefly from the Universities. The public desires such a philosophical system, as suffices for practical necessities; and by this standard, no essential defect would be felt even in the school of Paley and Locke; (though, as we have said, this is no longer the only school now studied.) At least we are entitled to look first for a proof that the school of Hume or of the Scotch has opened not merely a new, but also a higher and more fruitful path.

Finally, what singular notions are held at the English Universities concerning the philosophical work that goes on in Germany, is shewn quite recently in Whewell, *on University Education.* He regards us as, all and every one, in a like miserable plight with the poor souls in the second region of Dante's Hell; driven in dense masses this way and that by irresistible philosophical whirlwinds. He compares the leaders of our philosophical schools, from Kant to Hegel, with so many Timours or Jengiskhans, whose hosts pour themselves over the land, desolating, subjugating, hurrying away every thing; so that no honest tranquil spirit can rest under its own vine and fig-tree in peace and safety. Our students especially have absolutely nothing in their head but these philosophical gusts: as to positive and useful cience, there is really nothing to be said at all!! The good man appears not to have a conception of those magic words, *Examination, State-Service, Bread-Studies.*

[It is perhaps desirable that the reader should see what Mr. Whewell (now Master of Trinity College) said, to occasion these remarks. It is believed that the following two passages are those intended by our Author; at least immediately and principally.]

From Whewell's English University Education, pages 24—27. "But we have not yet done with the survey of this great experiment. In one country of Europe the Universities give up their habits of practical teaching, and return to the speculative method. They make *Philosophy* their main subject. Their Professors deliver from their chairs system after system to admiring audiences. The listener may assent or criticise; but he is not disturbed by any demands on his mind, such as the teaching of Mathematics gives rise to. And what is the class of men thus produced, in their bearing upon the progress of sure and indestructible knowledge? They are such men as to be utterly incapable even of comprehending and appreciating the most conspicuous examples of the advance of science. Those who are universally allowed to be the greatest philosophers of our own day in the German Universities, Hegel and Schelling, cannot understand that Newton went further than Kepler had gone in physical astronomy, and despise Newton's optical doctrines in comparison with the vague Aristotelian dogmas of Göthe respecting colors.*

"Thus, the experiment on education, which has been going on from the beginning of Greek civilization to the present day, appears to be quite distinct and consistent in its result. And the lesson we learn from it is this; — that so far as civilization is connected with the advance and diffusion of human knowledge, civilization flourishes when the prevalent education is mathematical, and fades when *philosophy* is the subject most preferred. We find abundant confirmation of the belief, that education has a strong influence upon the progress of civilization; and we find that the influence follows a settled rule: when the education is practical teaching, it is a genuine culture, tending to increased fertility and vigor; when it is speculative teaching, it appears that, however the effect is produced, men's minds do, in some way or other, lose that force and clearness on which intellectual progression depends.

* See Hegel's Encyclopædia, and Schelling's Lectures.

"I cannot go on to the next point of my argument without an observation founded on the view which has been presented. It is impossible, after the survey we have just made, not to reflect, of what immense importance the question of the two kinds of education is. The reform of the European Universities, a subject which is now exciting so much interest in England, France, and Germany, is, in truth, what it has been termed, the Vital Question of Civilization. Upon the decision of that question may depend, whether Europe, and America, which must follow the intellectual fortunes of Europe, shall, for the next thousand years, be in the condition of the later Greeks and Romans, having for their mental aristocracy, a class of philosophical system-builders, commentators, and mere metaphysicians; or shall go on to exhibit that healthy vigor and constant effort at real progress and improvement, which has characterized this quarter of the globe for the last three hundred years. This is no slight matter. And let no one attempt to make it less momentous, by persuading himself that civilization must advance; — that we cannot run back into an inferior condition of culture and thought. The history of the world shows that we have no such security. Civilization, in its best sense, may too surely decline. Greece and Rome had wasted by their own folly almost all that was most valuable in their intellectual inheritance, before the foreign spoiler came. The civilization of the eastern and southern shores of the Mediterranean, once the fairest spots in the world of literature and art, — where is it, and how is it vanished? It is not enough to say that the barbarizing storm of Mahommedan conquest has swept over and destroyed it. The Mahommedans did not barbarize Spain or Persia. And to whatever violent external causes we may ascribe this deplorable change, it shows, at least, that in some countries civilization takes deeper root than in others; and warns us to use our best endeavor, that, so far as we are concerned, our country and the world may lose nothing of that real civilization which, combined with morality and religion, constitutes the brightest glory and most precious treasure of the human race."

Again: pages 46—53. "In philosophical doctrines, on the

contrary, a constant change is going on. The commentator supersedes the original author, or at least becomes equally important: the systematizer is preferred to him who first threw out the same thoughts in a less regular form. Or else a revolution takes place; the old system is refuted; a new one is erected, to last its little hour, and wait its certain doom, like its predecessor. There is nothing old, nothing stable, nothing certain, in this kind of study. Change is constantly taking place; change is constantly looked for. Novelty is essential, in order to command attention or approbation. The car rolls on; old objects glide back; the point of view changes. The student knows, or at least cannot but suspect, that his teacher and his teacher's creed are but for a day; and that what is demonstrated to be true, will be found hereafter to be a truth so imperfect, that it is best put out of sight.

"Now I conceive it cannot be doubted that the mind of a young man employed mainly in attending to teachers of this latter kind, must fail to acquire any steady and unhesitating conviction of the immutable and fixed nature of truth, such as the study of Mathematics gives. This constant change in the system of received doctrines must unsettle and enfeeble his apprehension of all truths. He has no time, no encouragement, to take up the doctrines that are placed before him, and to study them till he is firmly possessed of them, secure that their certainty and value can never alter. He lives among changes, and has not the heart to labor patiently for treasures that may be ravished from him by the next revolution. The state of Germany, for instance, has of late years been as unfavorable to the intellectual welfare of its students, as the condition of the most unstable government of the East is, to the material prosperity of its subjects. A great philosophical conquest is made by Kant, and a universal empire is supposed to be on the point of being established. But Fichte, who began with being a follower of Kant, ends by deposing him. Schelling carries away the allegiance of Germany from Fichte; and then Hegel becomes more powerful than any of his predecessors; and a younger Fichte raises the standard against all these rulers. And thus, with dire shedding of ink, revolution after revolution succeeds.

"Now amid all this change and fear of change, how can any man eat tranquilly of the fruit of his own field, under his own vine and fig-tree? How can he cultivate his own thoughts, and possess in a tranquil and even spirit the knowledge and the habits of mind which he has acquired? He cannot feel or relish old and familiar truths, such as mathematical sciences deal with. He cannot be content with such conclusions as can be obtained by the way of demonstration. He becomes almost inevitably himself a wide and restless speculator; criticizing what has already been done in Philosophy; attempting to guess what will be the next step; and destitute, not only of those clear ideas, and those habits of exact thought, through which alone any real advances in knowledge can be appropriated by the student, but devoid also of that steady belief in the permanent nature and value of speculative truth, which is an essential virtue of the understanding.

"Again; another mode in which this speculative feeling operates unfavorably, as I conceive, upon students, is this; — it places them in the position of critics instead of pupils. In mathematical and other practical teaching, the teacher is usually and almost necessarily, much the superior of his scholar in the knowledge which they cultivate together; and the scholar cannot but feel this, and must consequently be led to entertain a docile and confiding disposition towards his instructor. On the other hand, when a system is proposed which offers its claims to him, and asks his assent, which he may either give or refuse, he feels himself placed in the situation of an equal and a judge, with respect to his Professor. And if, as is very likely to be the case with active-minded young speculators, he goes through several phases of philosophical opinion, and gives his allegiance to a succession of teachers, he can hardly fail to look upon them with a self-complacent levity, which involves little of respect. He will probably think of his masters much as the poet speaks of the objects of his transient admiration whom he chronicles:

> The gentle Henrietta then,
> And a third Mary next did reign,
> And Joan, and Jane, and Audria;

> And then a pretty Thomasine,
> And then another Katharine,
> And then a long *et cetera*.

"Now this want of docility, confidence, and respect, when it prevails in the student towards his teacher, cannot, I think, be looked upon otherwise than as a highly prejudicial feeling, and one which must destroy much of the value and usefulness of the education thus communicated.

"The difference of the subjects which are recommended by different persons as suitable for University teaching, does in fact depend upon an entire difference in the views and tempers of the authors of the recommendations. In the teaching of Universities, a spirit of *respect*, or a spirit of *criticism*, may be appealed to. According to the first system, we must select subjects which consist of undoubted truths, and works of unquestioned excellence, and must require the student to familiarize himself with these. Such subjects are Mathematical studies, and the best Classical authors. According to the other system, we take subjects in which we endeavor to draw the student's attention by our mode of treating them, and to carry his conviction with us by our arguments. In this system, we invite him to inquire for himself; to accept or reject according to his best judgment; to examine all doctrines boldly and thoroughly. This *critical* system it is which rejoices to have *philosophy* for its subject, and has shown alike its vigor and its tendency by the rapid succession of prevalent systems.

"I do not at all hesitate to say, that the *respectful* system appears to me the proper line of education. I conceive that the student ought to have placed before him, something which is of a stable and permanent kind; — in which it is a good mental exercise to struggle with the apparent objections, because it is certain that by effort and practice they may be overcome; — and in which it has been ascertained that admiration is not the result of novelty, or of some transient bearing upon the feelings of the age. The *critical* system seems to me to be properly addressed, not to students who are undergoing education, but to philosophers who have already been completely educated. Nor can I believe, that to put young

men in such a position, at a period of their lives when they ought to be quietly forming their minds for future action, can have any other result than to fill them with a shallow conceit of their own importance; to accustom them to deliver superficial and hasty judgments; and to lead them to take up new systems, with no due appreciation of the knowledge, thought, and gravity of mind, which are requisite for such a purpose. If this course educate a man for anything, it educates him to be a judge of philosophical systems; — an office which few Englishmen will ever have to fill.

"I believe that this opinion of the effect of the two modes of University education has been confirmed by the actual result. The practical education of the English Universities has produced men fitted for practical life. I need not dwell upon this. I have already noticed how well the training of the College appears to prepare men to become good lawyers. I will add, that I conceive our physicians to be the first in the world, and that I ascribe their excellence mainly to the practical course of general culture which they receive in the Universities; which does what no merely professional education can do; and of which the effects are seen, when the professional employments bring into play the intellectual habits. Our clergy derive inestimable advantages from the cast of their University education; and if clerical education among us be capable of improvement, this certainly will not be brought about by the substitution of the Philosophy of Schelling and Hegel for the Mathematics of Euclid and Newton. That our Universities educate men to be legislators, statesmen, and magistrates of some practical power and skill, no one can doubt, except he who thinks that this little island has, for the last three hundred years, run an unprosperous course, and held an undistinguished place in Europe. For the fortunes of nations are determined, under Providence, by their practical leaders, and men are formed by their education.

"In Germany and France, we are told that there prevails among the young men of the Universities a vehement and general hostility to the existing institutions of their country. I know not how truly this is said; but I conceive that such a consequence may naturally flow from an education which invokes the critical spirit,

and invites it to employ itself on the comparison between the realities of society and the dreams of system-makers.

"I shall not here prosecute this subject further, since my object is to hasten on to some principles which apply more intimately to that process of instruction which has hitherto existed in the English Universities. But I hope I have made it appear that, distinguishing the two systems of education as I have done, we may, with nearly equal propriety, treat of them as *practical* and *speculative* teaching; — or on the one hand *Mathematics* combined with *Classics*, and on the other *Philosophy*; — or *College* lectures and *Professorial* lectures; — and may look upon them as exemplifying a *respectful* and *critical* spirit. And I hope I have satisfied the reader that (allowing fully the value and use of Philosophy and of Professorial lectures in their due place, of which I may afterwards speak) we could not abandon the practical teaching, the Mathematical and Classical Studies, and the College Lectures of our Universities, without great loss to the intellectual training of our youth, without destroying highly beneficial feelings which exist between them and their teachers, and without putting in serious and extensive jeopardy the interests of the civilization of England and of the world."

NOTE (98) WHICH SHOULD HAVE BEEN REFERRED TO IN PAGE 392.

Defence of the Universities from the charge of Immorality.

Luxury and display have very much increased at the Universities, as well as among the higher and middling classes in general in England; but the Universities have not become really more immoral on that account. On the contrary, many of the darkest spots of former days—as drunkenness and other debauchery—have greatly diminished, more particularly in Oxford. Gambling, however, appears in later times to have become more general and more desperate than before. In all these matters, the Universities follow pretty closely the varying fashions of the higher classes. Upon the whole, I am of opinion that things have rather improved than

otherwise; the greater part of the evil which remains, is, as I have already insisted, inevitable, under the free developement of character so indispensable to a University. Those who more especially urge these points against the English Universities, have generally no idea of the actual state of the case, and never raised themselves beyond the level of the most trite and often scarcely sound moralism. Edinburgh, for instance, has been pointed out as a practical example of superior morality in the academic population. But, besides that in Scotland "Cant" in morality is carried to a higher pitch than even in England, and the morality of the academic youth of Edinburgh is by no means such as is pretended to be, (of which my own eyes and ears afford ample testimony;) the comparison is inadmissible, inasmuch as the pecuniary and social circumstances of the Edinburgh students, of themselves exclude a great part of the follies and excesses committed among the English. We must also take into consideration the general difference of national habits, good or evil, between England and Scotland; and there is no denying, that the Scotch have a much more quiet, sober, and sparing way of living; yes, and also of *sinning*.

Another reproach commonly cast against the Universities, is their illiberality in the most general sense, especially in case of any contact or approach of an unacademic nature. There is certainly much that is true in this. The Oxford men especially are far from liberal towards strangers, when not supplied with very pressing recommendations: and even then, the stranger must not expect to be admitted beneath the mere surface of society. Cambridge is much more accessible, and liberal in the best sense of the word. Pedantry, rudeness, and want of kindly feeling may certainly have more or less to do with all this: but we must not forget, at the same time, that this kind of repulsive exclusiveness is a very essential trait in the English character itself, especially with regard to the interior of domestic life; so that the Universities do not mean or claim to behave otherwise towards the world without, than every proprietor of house or lands would do. To this we may add, that they have only too much cause for feelings of irritability and mistrust towards strangers, (I speak not so much

of foreigners, as of English not belonging to the Universities,) in consequence of the bitterness and unfairness of the attacks, to which they have been on so many sides exposed.

Note (99) referred to in Page 392.

Justification of not repealing and yet not enforcing or observing Statutes that we judge to be unsuitable.

Another point, which may be touched upon here, relates to the real or supposed incompatibility, the intolerable contradictions between the old Statutes and the present practice, or between the older and newer Statutes. There are some people who regularly set out hunting after these things. Miller may be considered as the chief of this school of "creators of difficulties:" (v. his work, "The present state of the University of Cambridge," &c., 1771:) and Walsh in later times has endeavored to follow in his footsteps. These good gentlemen complain of and condemn, in one breath, first the perverse tendency of the old Statutes, and then the abomination of their not being observed, and their being allowed to fall into disuse; in the very instances, when the whole aim and result of their being set aside, is precisely to get rid of this very perverse and unsuitable tendency. Tender consciences are sought to be alarmed by reference to the academic oaths, which they are told, prevent all such innovations: and thus the Universities, in the very same breath, are reproached again with disinclination to undertake any requisite innovations, and informed that they have no right to make such innovations, [A]: consequently, that those really introduced, are morally to be condemned. People put forward also the unchangeableness of the *Royal Statutes*, although the Crown is itself alone authorized to animadvert upon any real violation of them, and that has never yet been done. Among these accusations, may be classed the complaint, that the Statute Oath is a grievous weight upon the tender consciences of the youth, as in taking the oath, they do not know precisely what the Statutes are, and when they know them, cannot observe them

all. We willingly admit that some few timorous consciences may have been embarrassed in this manner: but the same may be found in all other complicated matters: consequently such consciences should be advised to retire from the world altogether. But in fact, men of real delicacy of feeling do not judge in this petty and uncharitable way. In all these matters, "*bona fides*" is the main point, [B]; and with that, life passes smoothly over all these kinds of difficulties, not only in all honor and passive innocence, but generally in ignorance even of the existence of the difficulties by which it may have been surrounded. Under such complicated circumstances as these, instances certainly may be found of real abuses, and unjustifiable deviations from the Statutes, but then these have never been proved to be more than mere exceptions. Here, as in many other cases, these so called abuses are more or less correctives of unsuitable laws or regulations: and it is really to be feared, that this hunting out of abuses, about which people employ themselves so diligently, may destroy life itself at last. The University-life of modern times needs, generally speaking, no justification for deviating from the old Statutes: and the utmost that could be done, would be to ask, why the old Statutes were not made to apply throughout to the present state of things. Any one, however, who is able to judge impartially and with any knowledge of the facts, such matters as these, which have continued to develope themselves for centuries in an historical manner, out of a certain fixed foundation, and have arrived at a most complicated state, will easily perceive how extremely difficult and dangerous it would be, even in a legal point of view, to attempt any formal change in this fixed and endowed foundation — especially, at a time when every innovation of the kind is sooner or later brought into the precipitous course of *System*, where there is no stopping; — and is moulded according to an Idea. But why run this risk? when people can get on in other ways, and have got on very well until now, "*bonâ fide*," by sufferance, interpretation, or alteration in detail. Certainly, those who bring forward these complaints only to obtain a total change, cannot reasonably be set up to judge of the greater or lesser changes

required. Besides, in the whole affair, we find so much arbitrary obstinacy, self-contradiction, partiality, ignorance, and often dishonesty, that I should not be inclined to enter into any longer detailed account of the whole matter, even had I time and space to do so.

(A) [I know no passage in our Author's whole work, which seems to me less worthy of his truthfulness, than this. Can he really understand the case? Is he justified in calling it *timorousness* of conscience, not to make light of solemn engagements in the name of the Holy Trinity? Or what must be the tendency of a system, which dares not stir up too much academic conscientiousness? What inconsistency there is in Mr. Walsh and others, who complain of "*both matters* in the same breath," I cannot conceive. At Oxford, for instance, (for I believe there is no change, since the time of my personal knowledge,) a young man is made to take the most solemn of all oaths, that he will observe the Statutes, a selection from which is put into his hand, and a part of which he is made to read aloud. And yet, on quitting the Vice-chancellor's presence, he is told that many of these things he is *not* to keep; *for*, they are inconvenient — and obsolete! (Observe; — *not*, repealed by authority; *but*, the violation of them illegally winked at; — things which our Author most unwarrantably confounds.) Of these matters, those which strike the mind of the freshman most, are trivial observances; such as, among others, the duty of taking off his hat to every one who holds a higher University-rank than himself. This would oblige almost everybody to walk bareheaded in the High Street at certain times, since civility enforces that the Senior return the salutation. When the young man inquires, how he can violate with a safe conscience this and other rules which he has solemnly sworn to observe, an Appendix called *Epinomis* is read to him, in which it is declared, that if any one shall neglect [wilfully?!!] any of the Statutes, he shall nevertheless be regarded as having kept his oath, if he reverently submits to such punishment as shall be lawfully imposed on him for the violation. Hence it is inferred, that as long as the

Authorities wink at the violation, his conscience may be safe.—But in what position does this put the Authorities, who solemnly swear that they will enforce all the Statutes, and *not* suffer them to be neglected? (I have not the words of their oath before me, but I believe this is almost the letter of it, and certainly the spirit.) — I cannot but feel that all this shuffling teaches men to tamper with solemn engagements; and is connected with the scandalous fact, that men of the most opposite creeds continue to sign the same Thirty-nine Articles, and to read the same Baptismal Service. It is however a blot, not upon *University* Law in particular, but upon *English* Law in general. Witness the persevering defence of making a poor criminal commit one sin more, by saying that he is *Not Guilty*, when his conscience tells him that this is to make bad worse.]

(B) [True: but it is not "bona fides,"— when the living make oath to obey the ordinances of the dead, and step into power by so doing, — then to make a secret compact *not* to observe some of them; as though it were an agreement in which the living alone are concerned. According to this, a body of Trustees may by secret agreement pervert a Trust, and call it "bona fides," because they are agreed with one another: and may decline to get the Lord Chancellor to authorize an alteration, alledging that they are afraid, if they do, of his making more changes than they like, or of his adding other Trustees whom they would rather keep out. Such is the dishonorable defence of our Universities which I grieve to read. It would be the more aggravated iniquity, if ever the Universities were really to plead thus; for they are accustomed to profess the most sensitive conscientiousness as to the duty of observing Statutes, in all points which impede the admission of Dissenters, &c. When the Author says, "They have got on hitherto very well, *bonâ fide*, by sufferance," &c. &c.; might we not as justly alter *bonâ* to *malâ*? There are certainly many violations of truth, which conveniently assist men and corporations *to get on well*. Besides, independently of *bona fides* among men, is there not something very irreverent, in swearing before God to do certain things, and then saying to one another, "*That means*, we have no thought at all of doing them?"

As for the *complication*, &c., why did it ever exist? No honorable reason can be given. The present generation ought not to be blamed for it, if they showed eagerness to get rid of it: but our Author seems to defend them in going on contentedly under it. The defence which he makes — (dread of the spirit of the Age) — is at once insufficient to justify and inadequate to account for the facts. *Before* that spirit awoke, they were not more active than now to remove these blots.]

Note (100) referred to in Page 392.

On the right of Self-defence of the Universities against encroachments.

That species of absurdity,* or insincerity, which under the name of tolerance demands of any element positively founded in feeling, conviction, right and material possession, that it should give up without defence, its privileges, its possessions, its nature, and its existence, to the first* vague negative opinion or desire that might arise, may also be found frequently enough in England, especially in modern times. This however is, properly speaking, a plant of German growth, and may be considered as a fruit of that soft-hearted, well-intentionedness and tameness which proceed from our bound and fettered condition. Modern Philosophy, it is true, has sought to deck out the evil with glittering figures of speech. Any one desirous of seeing the state of things in England represented with all that want of character by which the German "*juste milieu*" is distinguished, should read *Herr Von Raumer's* work. Meanwhile it is well known, that the only persecutions to which liberalism is exposed in Oxford and Cambridge, are confined to the Tories being selected "*cæteris paribus*," in preference to the Liberals, for livings, benefices, or official posts; or, in other words,

* [Our worthy Author appears so excited against the despotic tendencies of German Centralization, as quite to misconceive what are the needs the rights and the claims of Freedom in England. He sets up a brawling, an ignorant, or a most fantastical and unreasonable University-Reformer, as a sort of *man of straw* to knock down. It does not seem to me worth while to set him up again.]

that no one is anxious to open the gate to the enemy. And then again, we are told of the unheard-of cruelty of attempting to remove preachers, whose doctrines are* contrary to the dogma of the Anglican Church — as was the case lately in Oxford with Hampden, (otherwise certainly a most meritorious man,) on account of his Bampton Lectures. Doubtless, the same line of conduct is observed against the other members of the Universities, who make themselves conspicuous by their hostility to the spirit, the principles, and the rights of the Universities. The criterion, the standard by which to decide what appertains to self-defence, is probably to be found nowhere but in the instinct of each party. This instinct seldom or never errs. On the contrary, in the struggles of the different religious and spiritual tendencies, it is very remarkable how soon the positive Christian elements recognized what was the danger that threatened them from the *soi disant* most harmless and apparently most beneficial tendencies of the general cultivation of man.

There is but one way of giving a just historical view of political contests; viz.— to grant to every Party, even if it be not in itself absolutely and clearly justified, a right of self-preservation; and leave it to every individual to find out to which he belongs. But it is the height of confusion of ideas, to suppose, that if a tendency does but want all positive foundation, it thereby at once gains the right of destroying all others, without defence, under the pretext of freedom. Every one, who is not quite a condemned miserable sinner, should at least be permitted to defend his own life; equally then the Church and the Universities. To those who are fearful about the higher unity of historical developement, I must reply briefly in the words of the Spanish proverb, "*Cada uno por si y Dios sobre todos:*" and the world at all events would do better with this maxim, than under the shocking presumption

* [This, if uncontradicted, may be mistaken for admitted fact. The friends of Dr. Hampden complain, that he was condemned (virtually) for heresy, by a tribunal which had no right to try a cause of heresy; without any statement of his offence, or any possibility for him to make a reply. He *may* be guilty, but he was not treated with common justice. He was appointed by valid authority, and his functions were impaired by a democratic interference.]

which, favored as it is by pitiable cowardice and hypocrisy, so easily succeeds in giving the tendency predominating for the time a usurped part to play, bestowing upon it that absolute moral right which belongs only to the LORD of Heaven and Earth.

NOTE (101) REFERRED TO IN PAGE 298.

[Added by the Editor.]

Professor Huber insists, *first*, that the Colleges, and *therefore*, that the Universities, are by inherent and perpetual right an Ecclesiastical organ and possession: and *therefore*, that the State may not interfere to alter their subscriptions. The first *assertion* appears to me every way questionable, and the *two deductions* to be most undoubtedly illogical and untrue. This I will endeavor to show.

(1) First, he says that the Colleges ever were and are organs of "the Church." But of *what* Church? He cannot mean of the Church of Christ, as such; of the Church in all places and under all organizations; for this would admit the very Dissenters whom he excludes. The most valuable Colleges were founded for the Church *of Rome*, yet this is the community most pointedly shut out by the existing regulations. The system now in force is a flagrant and undeniable violation of Founders' Wills: and for those who uphold things as they are, to plead a conscientious regard for the sanctity of Testaments and Foundations, as a reason against admitting Dissenters or Laymen to participate in the Fellowships, is *straining-out a gnat and swallowing a camel*. It has been argued with much apparent force, that the Acts of Parliament which enforce an abjuration of the Romish Creed, and of ordination according to that plan which the Founders contemplated, do virtually abolish those Foundation Statutes, which enjoin the entering into Holy Orders. If it be alledged that the Founders would *probably* have approved the present system, if they could have foreseen the present times, — this is but a surmise, and justifies the retort: — *Perhaps* they would have preferred to have the whole diverted to lay-purposes, rather than to the establishment of a

rival creed. Indeed it must be remembered that in early times the sacerdotal order contained all the literary men of the nation; so that a clerk (or clergyman) became identical with one who could read and write. Even until a recent time no one could keep a school without a license from the Bishop. It is certain that the Founders desired their Fellows to become men of letters, not parish priests: ought we not then to interpret "sacerdotal" pursuits to mean "literary" pursuits, since (if we will not admit Romanists) we can no longer adhere to the strict and undoubted meaning of the foundations? True: the Founders looked to the promotion of *religion*, as the end of the literature; but we repeat, this must not be interpreted to mean, the exclusive advantage of the Protestant Episcopal Church, which they certainly did not design to favor. In fact, to enforce on Fellows the ordination of the English Church, really thwarts the literary objects of many of the Founders; for, so strongly does that form consecrate men to the work of *pastors* and *preachers*, that many conscientious persons are afterwards unable happily to devote themselves to a literary or scientific life.

(2) But even waiving these arguments, our Author is wholly without justification, in inferring, that, *if* the Colleges be an Ecclesiastical (by which he means a *Clerical*) organ, *therefore* the Universities are. The Universities have a Theological Faculty: the fact itself proclaims that the other Faculties are not clerical; and such is notoriously the case: nor does mere admission into the University impose on the laity the obligations of the clergy. Now the Laity outside of the Universities do not subscribe the Thirty-nine Articles; yet they are not the less in the Church: our Author however throughout speaks as if the Clergy alone constituted the Church. But once more: the Universities receive civil privileges of various kinds from the State, because it is for the public good to have the higher classes well educated. It is the duty of the State to secure especially to all public men, (whatever their religion,) access to the best education which the Age can afford: otherwise the public interests will assuredly suffer. The Universities exist *for the good of the nation*; not for the

convenience of those who frequent them; and Parliament watches over them as Trustee for this end. For the State to insist on the beneficial management of the Universities, is one thing: to desire a new appropriation of College funds, is another. It would be better to throw into the sea all the *College* Property, than allow it to do mischief to the *Universities*. The private persons, who (doing as they would with their own) charitably left money to be paid to *poor clerks*, under conditions imposed by themselves, did not intend to become, what they had no right to be, University-Legislators: and if ever the Crown and Parliament should be of opinion that the *University* System needs enlargement and improvement, it is absurd to reply, that this must not be done, because of the wills of such and such *College* Founders.

The historical fact is, that the College-Fellows have stept into a place of University-power never intended for them. To re-establish the University in absolute independence of the Colleges, would be legally just: but it would be rending the whole system to pieces; — a measure of violence which I hardly think any well-informed person could desire or approve. On the other hand, if the State leaves the Colleges in possession of University-power, this at once constitutes in the State both a right and a duty, to enforce such an alteration in the College-Statutes as will secure that the ablest and best men shall be in power over the Universities; and that no vexatious impediment shall exist to their beneficial legislation, impartial administration, extended utility, and to the successful pursuit of all those sciences, which it is for the good of the Nation to have taught at the Universities. If ever it should be proved, that the supremacy of the Clerical order in the Colleges thwarts these most necessary ends; then, I think, a clear case would be made out for the interference of Parliament to abolish that supremacy.

(3) But finally, I contend: *If* we allow that the Colleges are an Ecclesiastical possession; and allow farther, that *therefore* the Universities are so likewise; it still does not follow that *therefore* the State ought not to interfere with them: and for this plain reason, that the Church of England, so far as it is an *Established*

Church at all,— so far as it enjoys any territorial rights, privileges or possessions,— is the mere Creature of the State. As a worldly Corporation, it exists by State-sufferance, "durante bene-placito," and under conditions imposed by the will of the State. Its very formularies, ordinances and creed,— its only permanent spiritual essence,— were dictated in recent times by an arbitrary and violent act of King and Parliament; which ejected from the Universities and from the Church from 1500 to 2000 respectable and orderly clergymen, free from all personal offence; whose leaders moreover had actively co-operated in bringing-back the dynasty and the statesmen by whom they were so perfidiously betrayed. If now, after the injustice of 180 years, the State should come to a belief that this deed of guilt is still bearing bitter fruit in England; and that as long as the Act of Uniformity remains on the Statute Book, the Statesmen who uphold it are perpetuating the original mischief and becoming partakers of the original guilt; — it seems, (according to our Author,) Parliament is yet not morally competent to repeal an Act of Parliament: and this, even though such a repeal would undoubtedly be so regulated, as to inflict no injury whatever on the person or property of a single individual. But farther; in a worldly, corporate and legal sense, *every Englishman* is a member of the Church of England, at least as long as he does *not* by any legal act claim some privilege as a Dissenter, such as various recent laws permit. Because an Englishman happens to think many things wrong in the Church of England, that is no reason why he should be deprived of a voice for altering them. There is *on the face of the matter* no moral propriety, and (except in the case of Roman Catholics) there is no legal one, why a Dissenting Member of Parliament should not vote for opening either the Universities, or the Church, to such views of religion as he thinks more true. To claim a *disproportionate preponderance* to his own particular views, would be unrighteous: but that the bare fact of his thinking the Church deeply to need reform, disenfranchises and disqualifies him for voting in favor of that reform, is a most inordinate assumption of those, who imagine national institutions to be constructed for the convenience, advantage or pride, of

those who happen to be administering them. Nothing but the unwholesome centralization of power in Germany, and his disgust at the despotic use of it, will account to me for so strong-minded a man as our excellent Author maintaining this crooked phantasy.

Note (102) referred to in Page 400.

[Communicated by the Rev. H. Longueville Jones.]

An account of the University of Durham.

This University was founded by Act of Parliament in 1832, at the instance and by the munificence of the Bishop, the Dean, and the Chapter of the cathedral church of that city. We extract the following abridged statement of the circumstance which led to this event and of the constitution of the University from the Durham University Calendar for 1842.

"The great and increasing population of the North of England, and its remoteness from the Universities of Oxford and Cambridge, had long pointed out the expediency of establishing in that part of the kingdom an Institution which should secure to its inhabitants the advantages of a sound yet not expensive academical education. It was perceived by the late Bishop Van Mildert, and by the Dean and Chapter of Durham, that the means of supplying this acknowledged deficiency might be provided from the resources of that body, not only without contravening, but in exact conformity with the principles on which it was incorporated: the education of youth being enumerated among the objects of the establishment, both in its Charter of Foundation and in its Statutes.*

* It is also a fact worthy of notice, that the Dean and Chapter were endowed by Henry VIII., not only with the revenues of the Benedictine Priory at Durham, but also with those of the College connected with it in the University of Oxford. This College, though in existence at an earlier period, seems to have owed much of its prosperity to Bishops Richard de Bury and Hatfield, and, at the death of the latter prelate in 1381, is stated to have enjoyed a provision for eight Fellows (one of whom was Warden or Prior), and eight secular Scholars. It was dissolved at the Reformation on account of its connexion with the Priory of Durham; and its advowsons and other endowments were granted by Henry VIII. to the new Dean and Chapter. This body, therefore, is the representative of the ancient College, as well as of the ancient Priory: and thus there is a peculiar fitness in their endeavor to replace the suppressed establishment for education in Oxford by the foundation of a new one of a similar nature at Durham.

It was at the same time felt, that any institution established on these grounds must necessarily be placed in close connexion with the Cathedral Church; and also that, to ensure the attainment of its objects, it must be planned and endowed on a large and liberal scale.

"In accordance with these views, a scheme was arranged between the Bishop and the Dean and Chapter, after much deliberation, for the foundation of a University in connection with the Cathedral Church; the Chapter undertaking to assign immediately to this purpose, property producing £3000 per annum: and the Bishop promising to provide eventually for the Warden, the Professor of Divinity, and the Professor of Greek, by attaching Prebendal stalls to the several Offices. As some time would elapse before the intended provision would be available, the Bishop engaged in the mean while to make a large annual contribution. This contribution, which was at first £1000 and afterwards £2000 per annum, ceased at the Bishop's death.

"In pursuance of this arrangement, a Bill was introduced into Parliament in 1832, to enable the Dean and Chapter to appropriate an estate at South Shields for the establishment of a University. The general principles on which the projected institution was to be conducted were clearly stated by Bishop Van Mildert during the progress of the Bill through the House of Lords. 'I have already noticed to your Lordships,' he observed, 'one express provision in the printed statement of the plan, which allows persons to be admitted to public lectures in science or literature, of whatever description, without being subject, as other Students will be, to the discipline of the University. By this regulation, many may avail themselves of very considerable advantages from the institution, subject to no previous enquiry or restriction as to their religious persuasions. With respect also to those Students who are to be actually members of the University, I have to state that it is intended to adopt the regulation of the University of Cambridge, which does not require tests or subscriptions at the admission of members, nor until they take degrees or other academical privileges. Such persons, however, will necessarily become

subject to the discipline of the University, and, consequently, as a part of that discipline, will be required to attend the daily service of the Church.' The Bill, after this explanation, being supported by the Premier (Earl Grey) in the House of Lords, and by Lord Althorp in the House of Commons, passed the two Houses; and on the 4th of July, 1832, received the Royal assent.

"By this Act, the Dean and Chapter of Durham were empowered to appropriate the above-mentioned estate for the establishment of a University in connexion with the Cathedral Church: such University to consist of such Warden or Principal, of such Professors and Readers in such branches of learning and sciences, of such Tutors, Students, and other officers and persons, and to be established according to such regulations, as the Dean and Chapter shall, from time to time, with the consent of the Bishop prescribe. And it was further enacted, that the government of the University, and the discipline to be observed therein, shall be vested in the Dean and Chapter; and that the University shall be under the jurisdiction of the Bishop as Visitor.

"In 1834, Bishop Van Mildert introduced a Bill into the House of Lords for annexing stalls in the Cathedral to the offices of Warden, Professor of Divinity, and Professor of Greek, in the University, the patronage of those offices being, in consequence, vested in the Bishop for the time being. Circumstances caused that Bill to be withdrawn: and in the meantime, the Dean and Chapter being unwilling to withhold from the public the advantages of the new institution, until the plans for endowing it might be fully carried into execution, had opened the University in October, 1833. The Bishop of Durham, exercising the power proposed to be vested in him in consequence of his annexation of Prebendal stalls to the offices of Warden, Professor of Divinity, and Professor of Greek, appointed persons to fill those offices: the Professor of Mathematics and the other officers of the University were appointed by the Dean and Chapter.

"In 1835, a Statute was passed by the Dean and Chapter, and approved by the Bishop, entrusting the ordinary management of the University, under the Bishop as Visitor, and the Dean and

Chapter as Governors, to the Warden, a Senate, and a Convocation. The Senate is composed of the chief officers of the University: the Convocation consisted originally of the Warden, and of a certain number of Doctors and Masters in the Faculties of Divinity, Law, Medicine, and Arts, from the Universities of Oxford and Cambridge; and consists at present, besides the original members, of all such persons as have been regularly admitted to the like degrees in the University of Durham, and have conformed to the regulations thereof.

"The Senate, in the exercise of the powers vested in them by the Statute, lost no time in preparing a body of Regulations for conducting the studies and the general business of the University. These Regulations were submitted to Convocation and approved by it, on the 4th of March, 1836.

"The constitution and studies of the University having thus been satisfactorily arranged in accordance with the provisions of the Act of Parliament, a Royal Charter was granted under the Great Seal on the 1st of June, 1837, incorporating the persons therein described by the name of 'The Warden, Masters, and Scholars of the University of Durham,' recognizing and confirming the constitution of the University as established by the Dean and Chapter, and authorizing the body corporate to have perpetual succession and a common seal, and to enjoy all the rights and privileges which are assured to the University by the Act of Parliament, or are incident to a University established by Royal Charter. The first Degrees were conferred under the sanction of this Charter, on the 8th of June, 1837.

"By an Act of 1 Victoria, c. 56, § 1, entitled 'An Act for amending the several Acts for the regulations of Attornies and Solicitors," the provisions of former Acts, relating to the admission and enrolment as Attornies of Bachelors of Arts or Law of the Universities of Oxford, Cambridge, and Dublin, are extended to Bachelors of Arts or Law of the University of Durham.

"A further provision was made for the University by an Order of Her Majesty in Council, June 4th, 1841, in pursuance of a recommendation of the Ecclesiastical Commissioners for England.

"By that Order it was provided that the office of Warden shall in future be permanently annexed to the Deanery of Durham: a Canonry in the Cathedral Church was annexed to each of the Professorships of Divinity and Greek: the Professor of Mathematics was appointed Professor of Mathematics and Astronomy, with an increased salary. It was also provided that, when the office of Warden shall be annexed to the Deanery, a Professorship of Hebrew and the other Oriental languages shall be founded: and, in addition to the six Fellowships which had previously been established by the Dean and Chapter, eighteen other Fellowships were founded, two of which are to be filled up every year, until the whole number of twenty-four Fellows, shall be complete.

"The Founders of the University further formed within the University, a College, to which, or to some other College, Hall, or House, established on similar principles, every matriculated student is required to belong. They fitted up buildings for the reception of Students, and appointed Censors and Tutors to watch over their conduct and direct their studies, under the superintendence of the Warden. These accommodations for Students have subsequently been much enlarged, especially by the addition of the Castle of Durham with its precincts; which is now held in trust by the Bishop for the benefit of the University. This acquisition has provided the College with an excellent Chapel and Hall, besides affording a number of convenient rooms for the reception of Students and for general academical purposes.

"Provision has thus been made for a regular course of general academic education, similar to that which is given at Oxford and Cambridge. The qualifications of the Students to enter on this course are ascertained by examination before admission. Their proficiency during its continuance is ascertained by public examinations held annually, particularly by one at the end of the third year, for the degree of Bachelor of Arts, and another at the end of the fourth year, for the degree of Master of Arts. The standing for the degree of B.A., as for all other degrees, is the same as that which is required at Oxford.

"Besides this general academical education, provision has also

been made for a course of Theological study. Those who have passed the examination for the degree of Bachelor of Arts at Durham, Oxford, Cambridge, or Dublin, are admitted as Students in Theology, on producing satisfactory testimonials of character. Other persons also between the ages of 21 and 26 are admissible to this class; but they must previously pass an examination in the Greek and Latin languages, and in the Elements of Theology At the end of the course, the Students of this class, if they pass the requisite examination, and produce the necessary testimonials, receive under the common seal of the University a certificate of competency and character, which is called a License in Theology. Those who have been admitted to the degree of B.A., at least, at Durham, Oxford, Cambridge, or Dublin, obtain a license at the end of one year.

"In 1837, an important extension of the benefits of the University was made by the Establishment of a course of instruction for Students in Civil Engineering and Mining. The extensive public works of this country, and the vast national interests involved in them, seemed to require that the Civil Engineer should have an education expressly adapted to his profession: and the University of Durham was considered, from its local position, to have peculiar facilities for combining, with the requisite instruction in science, a practical insight into all the ordinary operations of Civil Engineering and Mining. It was also conceived that, if an education of this nature were carried on in the same place and in the same spirit, with a more general course of academic reading, great benefit might be anticipated from the association of young men intended for the higher departments of civil engineering with those who are destined for the learned professions, or for other stations in the higher or middle ranks of life. With this view it seemed desirable that the class of Civil Engineers should be admitted in the University on the same footing as other Students, should be subject to the same discipline, and engaged in a course of study which should be assimilated, as far as was practicable, to the general system of the University.

"Regulations for admitting Students in Civil Engineering and

Mining were accordingly passed by the Senate and Convocation, November 22, 1837; and the Class was opened January, 1838.

"The Students, at the time of their admission, are examined in the Latin language, in arithmetic, and the elements of mathematics. The full course of study extends over three years. But the Regulations provide for shortening the period for students who, on admission, or in their second, or third term, pass with credit the examination appointed for Engineer Students at the end of their first year. The competency of the Students is tested by a public examination at the end of every year. At the close of the three years' course, honors are given to those who distinguish themselves: and those who have passed all the requisite examinations are admitted to the 'academical rank' of Civil Engineer. Certificates of competency in any particular branch of study may be received at an earlier period.

"The following are the regulations for the elections to Fellowships and Scholarships:—

"That no person shall be eligible unless he has been admitted to the degree of B.A., in the University. That no person shall be eligible oftener than three times, nor at any other than consecutive elections of Fellows. That, when the number of twenty-four Fellows is complete, not more than eight of those Fellows who have attained the age of twenty-five years shall be laymen. That the annual value of each Fellowship shall be £120; and that a further annual sum of £30 shall be paid to each of the Senior Clerical Fellows to the number of ten. That a Fellowship shall be tenable for eight years, from the time of election, and for the further time of two years, by a Fellow who has taken holy orders within a specified time. That a Fellowship shall be vacated by marriage, or by admission to any cathedral preferment, or to any benefice. That the Warden shall have power to require any Fellow to take part in the public examinations, and to call him into residence, when he shall deem it expedient to do so. And that the University shall have authority to make Regulations, from time to time, for securing the election of the most meritorious candidate, regard being had to moral character, as well as to learning.

"UNIVERSITY SCHOLARSHIPS.

"There are twenty University Scholarships of the annual value of £30 each. The Dean nominates to two of these Scholarships, and each Prebendary to one. One is filled up from the Durham Grammar School, and the remainder are given to the students who distinguish themselves at the first and Second Year Examination in Arts.

"BARRINGTON SCHOLARSHIPS.

"Bishop Barrington's Trustees are accustomed to grant annual exhibitions for the support of students being the sons or orphans of clergymen in the Diocese of Durham.

"VAN MILDERT SCHOLARSHIPS.

"Soon after the death of Bishop Van Mildert, in February, 1836, a subscription was made for the purpose of endowing one or more Scholarships in the University, to be called the Van Mildert Scholarships. One Scholarship was founded in 1837: and in 1841, a further sum having been given by the Subscribers to a Monument in memory of the late Bishop, two Scholarships were founded, of the annual value of £50 each. The first election on this foundation is to take place in June, 1842, and no further elections are to be made on the old foundation.

"GISBORNE SCHOLARSHIP.

"The Rev. Thomas Gisborne, M.A., Canon of Durham, having placed at the disposal of the Dean and Chapter, in the year 1841, £500 for the benefit of the University, and the Dean and Chapter having determined that the sum should be applied to the foundation of a Scholarship; a Grace was passed in Convocation, Dec. 22, 1841, for adding to this sum £100, to be called the Gisborne Scholarship.

"We have seen the circumstances and the manner of the foundation of the University of Durham: it is not without interest to know that it was the intention of Oliver Cromwell to have established a College in the place of the Dean and Chapter of Durham, which he had dissolved. Great progress had been made by the

Government of the Protector, and afterwards by that of his son, towards this object; but the Universities of Oxford and Cambridge, afraid of the influence of this new Institution, petitioned against it, and the foundation never took place. The original decree of the Protector to this effect, dated May 15, 1657, is printed at full length in the appendix No. VIII. of Burton's Diary, vol. ii, p. 531. It states that the Protector was petitioned to found a College by the Justices, Grand Jury, Gentlemen, and Inhabitants of the city and county of Durham, the county of Northumberland, and the town of Newcastle-on-Tyne: and that therefore, of 'our especial grace, certain knowledge, and mere motion,' as the decree in imitation of the absurd language of Royal orders used in that and the preceding century, goes on to state, 'we do erect and found a College of our said city of Durham, in our county of Durham, within the site of the College houses, Cathedral Church, and Castle in our said city of Durham, or some of them: to be and continue a College from time to time hereafter, for ever.' This College was to consist of one Provost or Master, two Preachers or Senior Fellows, and twelve other Fellows; four of the twelve Fellows to be Professors, four to be Tutors, and four to be Schoolmasters; and also twenty-four Scholars, twelve Exhibitioners, and eighteen Scholars in the Free School belonging to the College. All the usual privileges of a Collegiate or Corporate body were granted to this institution, and rentals amounting to £900 a-year were granted to the College out of property belonging to the dissolved Chapter. The valuable libraries belonging to the Bishop and the Chapter were also given to this Institution; and permission was given for the holding of any additional property not exceeding £6000 a-year, notwithstanding the Statute of Mortmain. No mention of conferring degrees is made in this document, nor is the word *University* applied to this Institution, which seems to have been intended merely as a College. The Proctor appointed an unusual number of Visitors to examine into the progress of the Institution from time to time, and to alter and amend its Statutes. Those first appointed to this office included Sir Thomas Widdrington, Speaker of the Parliament, Maj. Gen. Lambert, Walter Strickland, Algernon

Earl of Northumberland, Lord Fairfax, Lord Grey of Werke, George Lord Eure, Philip Lord Wharton, Thomas Bellasis, Viscount Fawconberge, Maj. Gen. Howard, Sir H. Vane, Maj. Gen. Lilburne, Prideaux the Attorney General, Ellis the Solicitor General, and *seventy-one* other gentlemen and burgesses of Durham, Newcastle, London, and the counties of York, Durham, and Newcastle, as well as various Ministers of the Gospel, including Richard Gilpin of Graystock in Westmoreland, making in all eighty-one in Visitors. Out of them only twelve were to be constant Visitors of the College, the others were to be Visitors for only two years. An appeal lay from the decisions of the Visitors to the Lord Chancellor and Lord Keeper of the Great Seal, and to the Lords Commissioners for holding the same. The license to have a printing press was also granted to the College, and various civil immunities were conceded by the same document.

"The petition of the University of Cambridge against this intended Institution was presented to Richard Cromwell when Protector, and was approved of by a Grace of the University-Senate, dated April 18, 1659. It ran as follows: —

"'To his highness Richard, Lord Protector of the Commonwealth of England, Scotland, Ireland, &c.

"'The humble petition of the University of Cambridge sheweth: that your Petitioners have notice of a grant ready for the seal from your Highness to a College at Durham, in the Bishopric of Durham, imparting the said College to become a University, and bestow Degrees of all sorts:* Now the said grant being not only prejudicial to but also destructive of the charters and fundamental privileges of this University, which your Petitioners are jointly and severally obliged by oath to maintain and assert, as being established by Act of Parliament, and likewise from time to time confirmed to us and our successors by divers of the Kings and Queens of this nation: May it please your Highness to inhibit the sealing of the said grant until such time as your Petitioners are heard in what they have to alledge in the maintenance of their charters and ancient rights. And your Petitioners shall ever pray,' &c.

* This statement was perfectly erroneous.

"The eminent name of Dr. Benjamin Whichcote, Provost of King's College, one of the most enlightened men of his times, appears among those of the persons delegated to present this Petition to the Protector."

Note 103 referred to in Page 418.

[The following has been communicated to Mr. James Heywood, by the kindness of Dr. Rothman, Registrar of the University.]

On the University of London.

The University of London may be said to owe its origin to an Address from the House of Commons to the Crown, on the 26th March, 1835, praying the then King (William IV) to confer upon the London University College (then called the London University) a Charter of Incorporation as a University, by which it might be enabled to grant Degrees to its Students in all the Faculties except Divinity and Medicine. To this address the following reply was returned, on the 1st April of the same year: —

"His Majesty acquaints his faithful Commons, that having been desirous of giving to this important subject the fullest and most mature consideration, His Majesty referred it, in the course of last year, for examination by the Privy Council, who entered upon an enquiry, the final result of which has not yet been communicated to His Majesty.

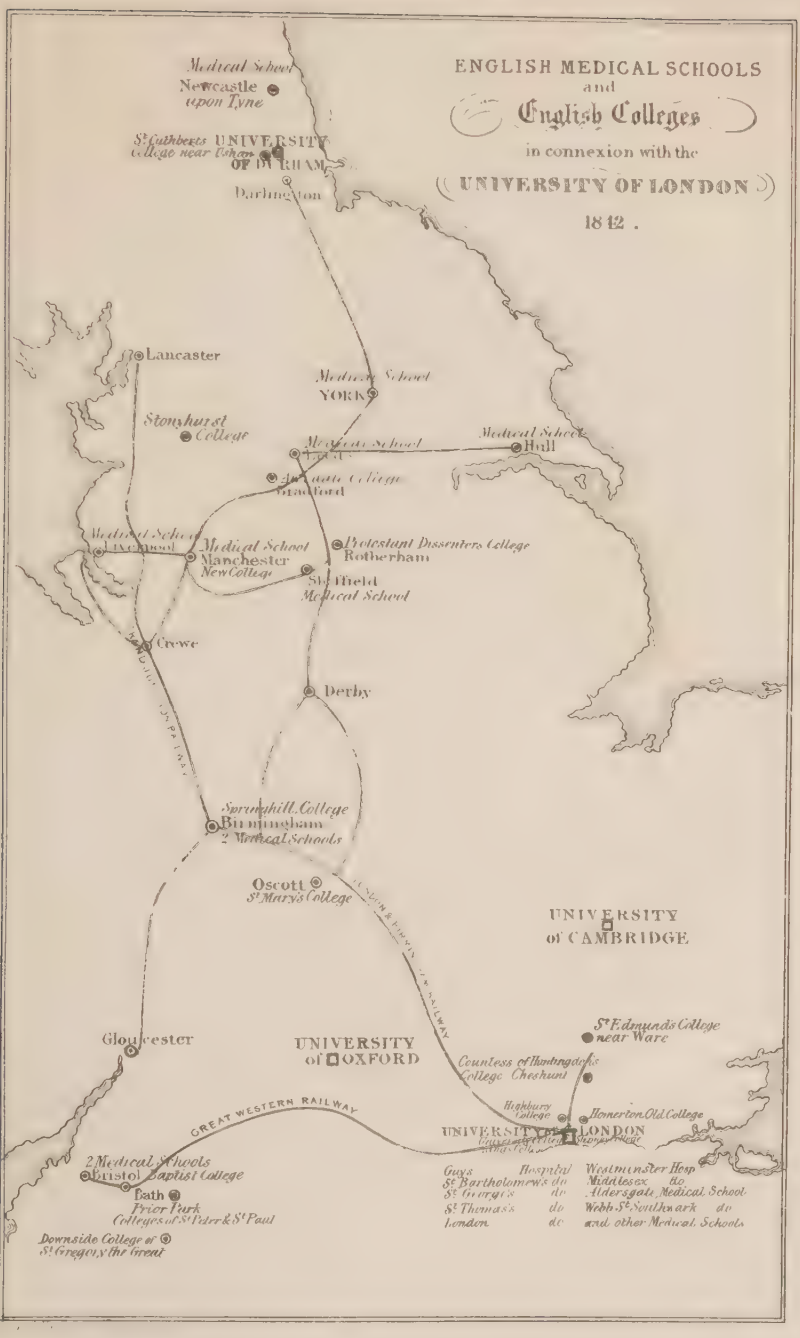
"His Majesty assures his faithful Commons that he will call upon the Privy Council, without delay, for a report of the proceedings adopted in this matter, in order that His Majesty may be enabled to judge what may be the best mode of carrying into effect the wishes of his faithful Commons in respect of a grant of a Charter to the University of London, and what may be the conditions with which such a grant ought to be accompanied."

In pursuance of the intentions expressed in this message, His Majesty accordingly, by charter, dated 28th November, 1836, was pleased to incorporate a certain number of noblemen and gentlemen as the Senate of a new University, to be entitled the "University of London:" "for the advancement," says the Charter, "of

religion and morality, and the promotion of useful knowledge — to hold forth to all classes and denominations . . . . without any distinction whatever, an encouragement for pursuing a regular and liberal course of education." The Senate, the appointment of which was stated to be "for the purpose of ascertaining by means of examinations the persons who have acquired proficiency in literature science and art by the pursuit of such course of, education, and of rewarding them by academical degrees, as evidence of their respective attainments, and marks of honor proportionate thereunto," was composed of a Chancellor, Vice-chancellor, and thirty-six Fellows named in the Charter, besides such persons as the Crown might think fit to add at any subsequent time. The office of the Chancellor was for life, the Crown retaining the right of nomination in case of a vacancy: that of the Vice-chancellor annual, the vacancy to be filled up by the Senate. The Earl of Burlington was nominated in the Charter as the first Chancellor, and J. W. Lubbock, Esq., (now Sir J. W. Lubbock, Bart.,) as Vice-chancellor. The general management and superintendence of the affairs, concerns, and property of the University was vested in the Chancellor, Vice-chancellor, and Fellows for the time being; and they were empowered to make and alter bye-laws and regulations touching the granting of Degrees, and other matters, subject to the approbation of one of the Secretaries of State. The Charter empowered the University to grant the six following Degrees only, Divinity being wholly excluded, viz: Bachelor and Master of Arts, Bachelor and Doctor of Laws, Bachelor and Doctor of Medicine. To the four first of these Degrees, such candidates only were to be admitted as had prosecuted their studies at University College, London; King's College, London, or such institutions, either in the metropolis or elsewhere, as the Crown under sign manual shall subsequently authorize.* For

* A List of Institutions from which the University is now (1842) authorized to receive certificates for such Degrees, is here subjoined:

University College, London.	Manchester New College.
King's College, London.	St. Mary's College, Oscott.
St. Cuthbert's College, Ushaw.	Carlow College.
Stonyhurst College.	St. Edmund's College, near Ware.
Royal Belfast Academical Institution.	Homerton Old College.
Bristol College.	Highbury College.


ENGLISH MEDICAL SCHOOLS
and
English Colleges
in connexion with the
UNIVERSITY OF LONDON
1842.
Medical School
Newcastle
upon Tyne
St Cuthberts College near Ushaw
UNIVERSITY OF DURHAM
Darlington
Lancaster
Stonyhurst College
Medical School
YORK
Medical School
Hull
Manchester New College
Medical School
Manchester
Protestant Dissenters College
Rotherham
Sheffield
Medical School
Crewe
Derby
Springhill College
Birmingham
2 Medical Schools
Oscott
St Mary's College
UNIVERSITY
of CAMBRIDGE
Gloucester
UNIVERSITY
of OXFORD
St Edmunds College
near Ware
Countess of Huntingdon's
College Cheshunt
Highbury College
Homerton Old College
UNIVERSITY OF LONDON
GREAT WESTERN RAILWAY
2 Medical Schools
Bristol Baptist College
Bath
Prior Park
Colleges of St Peter & St Paul
Downside College or
St Gregory's the Great
Guys Hospital
St Bartholomew's do
St George's do
St Thomas's do
London do
Westminster Hosp
Middlesex do
Aldersgate Medical School
Webb St Southwark do
and other Medical Schools

the Medical Degrees, the Senate were required to report from time to time to the Secretary of State what should appear to them to be the Medical Institutions and Schools from which it might appear to them expedient to admit candidates, and on such report being approved by the said Secretary of State, it was to be a sufficient authority for admission.* The Senate assembled for the first time at Somerset House, (where the Government had given them apartments,) on the 4th March, 1837, and proceeded at various subsequent meetings to consider a Code of Regulations touching the Examinations for the respective Degrees. Before however this task was completed, the death of the Sovereign occurred, when it was discovered that in the appointment of the Senate, the words, "during our Royal will and pleasure," having been introduced, the Charter had in fact become *ipso facto* annulled by the death of the Sovereign. In consequence, on the 5th December, 1837, a Second Charter was granted to the University by Queen Victoria, differing in no important particular from the first, but not containing the words just quoted. It is by virtue of this Second Charter that the University is now incorporated, and in the exercise of its functions. The Senate having pursued its labors, completed in the first instance a Code of Regulations regarding degrees in Arts and Laws; and, at a later epoch, a Code of Regulations in Medicine: all of which were approved in due form by Lord John Russell, then Secretary of State for the Home Department. The principal provisions of these regulations, which have from time to time received various modifications, may shortly be stated as follows: — Candidates for Degrees in Arts and Medicine are required, previous to Matriculation in the University, to

Colleges of St. Peter and St. Paul, at Prior Park, near Bath.
Spring Hill, College, Birmingham.
Stepney College.
College of St. Gregory the Great, Downside, near Bath.
Countess of Huntingdon's College, at Cheshunt.
Baptist College, at Bristol.
Airedale College, Undercliffe, near Bradford.
Protestant Dissenters' College, at Rotherham.
Presbyterian College, at Caermarthen.

* The List of Schools from which the University now receives Candidates for Medical Degrees, comprises every Medical School of note in England, and most of those in Scotland and Ireland.

pass an Examination in Classics, the English Language, the Outlines of History and Geography, the elements of Mathematics, a popular knowledge of Natural Philosophy, the most elementary portions of Chemistry, and the leading divisions in Botany and Zoology. A competent knowledge in Classics, Mathematics and Natural Philosophy is required from all; of the three remaining subjects Candidates may select one.

The Examination for the Degree of Bachelor of Arts takes place two years after Matriculation. These two years must be passed in Study at one of the Colleges in connexion with the University. The Examination is much the same in its general character with that for Matriculation, but a more extensive knowledge in the respective subjects is required, and none of them are optional.

The Examination for the Degree of Master of Arts takes one year after that of Bachelor. Candidates may select for Examination one of the three following branches: — I. Classics: — II. Mathematics and Natural Philosophy: — III. Logic; Moral, Mental, and Political Philosophy, with Political Economy. To obtain this Degree requires the exhibition of considerable proficiency in the subjects selected.

The Medical Student is required, two years after Matriculation, to pass an Examination in Anatomy and Physiology, in Comparative Anatomy and Physiology, in Structural and Physiological Botany, and in Chemistry. Two years after this First Examination he is required to pass a Second in Medicine, Surgery, Midwifery, Forensic Medicine, and other Practical Subjects, upon which he obtains the Degree of Bachelor of Medicine. After one or more years (according to circumstances) of attendance on Clinical and Practical Medicine, the Bachelor is admitted to the Degree of Doctor of Medicine, for which he is examined again in Medicine, Surgery, and Midwifery, with the addition of the Elements of Intellectual Philosophy, Logic, and Moral Philosophy.

All the Examinations required for obtaining a Degree (with the exception of those of Master of Arts and Doctor of Laws) are fol lowed by voluntary Examinations for Honors, at the close of which the respective candidates are placed in the order of merit, and

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rewards of different kinds, as Scholarships, Medals, &c., granted to the most distinguished.

Various exemptions with regard to the preliminary courses of study and other conditions were made in favor of those candidates whose studies had commenced at the epoch of the first publication of the regulations.

The first Examination that took place was that for Matriculation in November, 1838, and since that time Degrees have been granted annually in all the Faculties. The whole number of Graduates at this moment (June, 1842) amounts to 145:* of Undergraduates to 201; a number which will probably receive a considerable increase when the Examinations for the current year have taken place.

The Senate grants nearly one thousand pounds annually in Scholarships and other rewards to deserving Students; and as this sum absorbs the whole amount of the fees received for the Examinations, (which have been purposely fixed very low,) the University is supported at present by a Parliamentary grant, the principal part of which is expended in the remuneration of the Examiners, Registrar, Clerk, &c. The duties discharged by the Senate are gratuitous.

* No Honorary or "ad eundem" Degrees are conferred in this University, the Charter requiring in all cases a previous Examination.

APPENDIX.

The following is extracted* from a paper entitled "Statistical Illustrations of the Principal Universities of the United Kingdom of Great Britain and Ireland: by H. Longueville Jones, M.A., late Fellow of Magdalene College, Cambridge. Read before the Statistical Section of the British Association at Newcastle, August 21, 1838."

"The sources from which the information contained in the accompanying Tables has been derived are partly public and partly private. Of the former kind are the Oxford University Calendar for 1838, the Cambridge University Calendar for 1838, the Dublin University Calendar for 1838, and the Parliamentary Report on the Scottish Universities, drawn up by the Commission appointed in 1826 and 1830, and published in vol. xii., 1831, p. 115, &c. of the general collection of Parliamentary Papers of the Commons. Besides these works much private information has been used in determining the value of Professorships, Fellowships, &c., points on which the above works are mostly silent. In determining the revenues of the Universities of Oxford and Cambridge, as distinct from those of the Colleges, local information is almost all that can be obtained for arriving at an approximate estimate of their amount. There are no published returns on the subject, or none that give sufficiently detailed information.

* [Mr. Longueville Jones has kindly made the extract himself, and corrected the Tables so as to be accurate at the present date (June, 1842). It was thought better to present the extract in this form, than in the more concise one chosen by Professor Huber.]

"The Collegiate Revenues consist principally of landed estates, of tithe impropriations, of the rent of rooms leased out to students, of fees paid by all members of the College, generally of trifling amount, and of profits upon various minor charges for articles of consumption, such as ale, &c. used by the students. These sources of income vary in different societies; some exist in one which do not in another. They by no means bear the same relative proportions in all Colleges; and they are very difficult to be calculated with anything like accuracy. The accounts are, however, strictly audited by the bursar and the governing portion of the collegiate body every year; but they are open to the inspection only of the persons auditing; and, with the exception of the value of some Fellows' and Scholars' stipends, the University Calendars are totally silent on the subject of the collegiate accounts. No published returns upon the actual revenues of any College are known to exist.

"It is obvious from this that the results collected in the accompanying Tables must, as far as these three Universities are concerned, be considered as only approximative; they affect variable quantities, and cannot, therefore be taken in themselves as constant. In all cases, however, where a doubt existed, the minimum value has been taken, it being the safer error to underrate rather than exaggerate the amount of income belonging to any public body, especially when so much room is left for calculative conjecture. The averages, where averages occur, have been taken rather at low than at high estimates, when pecuniary matters are concerned. In the point of numbers of students, &c., very little room has been left for conjecture, the information of the University Calendars being positive on this part of the subject, and the Tables in this respect may be considered as nearly exact.

"Description of the Tables.

"Table I. — *College Revenues* — exhibits a summary of the revenues of the Colleges in the Universities of Oxford, Cambridge, and Dublin, subdivided under the following heads: 1st, Number and Income of the Heads of Houses; 2nd, Number and Income

of Fellows; 3rd, Number and Income of Scholars. In the cases of New College, Oxford, and King's College, Cambridge, it is not easy to determine the actual number of scholars, on account of these institutions being so connected with the Colleges of Winchester and Eton, that the line of separation can hardly be drawn; no scholars therefore have been put down in the Table. At Dublin there is an uncertainty connected with the number of Erasmus Smith's Exhibitions; whether they are to be considered as belonging to the University, or to the College, or to neither; but to the schools established by that Founder. 4th, The head College Officers includes not only the tutors, but also the lecturers, deans, stewards, &c.; and though they do not all derive their emoluments of office from the tuition-money, yet in general the sums they receive from other sources are so small, that they may be considered as merged either in the tuition-money or in the general article of College Revenue. 5th, Number and Value of Prizes. No definite information is given on this point by the Oxford Calendar, nor are the Cambridge and Dublin Calendars so explicit as they might be. In the case of Cambridge, the amount of College Prizes is much greater than what is stated at page 65, (*viz.*, £600;) probably on account of the value of books not having been taken into the estimate. 6th, Number of Incumbents and Benefices, with their Average Value. In this division, all benefices are counted as single distinct benefices, when they are separately entered in the King's Books; and their average annual value is in all cases assumed to be £300. This sum is too large perhaps in the case of some Colleges, such as Trinity College, Cambridge, where the benefices are mostly vicarages; and is too small in others, such as Magdalen College, Oxford, where the value of the benefices is proverbial; but as a general average it is believed to be far beneath the real value. The number of cases of pluralities will be observed to be remarkably small, in proportion to the total number of benefices. 7th, The Rent of Rooms is assumed to vary from £10 to £15 per annum; and is believed to be very nearly correct. In certain cases, such as All Souls' College, Oxford, and King's College, Cambridge, where the members of the foundation

are the only members in residence, and either pay no rent, or else pay it to themselves in their corporate capacity, no rent is put down. 8th, The College Revenues are formed by the addition of the foregoing sums, with the exception of tuition-money — an item with which the College has no concern, it being understood to be a private affair between the college-tutor and the pupil — and with the exception also of a few fees not taken into account under the head of tuition-money, and of the value of benefices. The revenues of the Scotch and other Colleges are inserted in the general Table.

"Table II. — *Degrees* — contains an account of all the members on the books or boards of each College of the three Universities above mentioned, classed as they stand in the calendars; the members of foundations being however ranged among the Graduates, &c. Thus those only are inserted as noblemen who are classed under that head in the calendars, and that too without any distinction of degree. The usage of the three Universities in arranging their members is by no means uniform; and particularly with regard to noblemen and gentlemen-commoners, or fellow-commoners. This last-named class is enumerated without any distinction of Bachelor of Arts or Undergraduate; and in all Colleges, except Church-Church, the distinction ceases as soon as the gentleman-commoner or fellow-commoner has taken a degree superior to, or different from, that of B.A. Among the titles at Oxford, connected with the Graduation, is one not yet adopted at Cambridge or Dublin, 'Student of Medicine,' S.M.; and in the same way the class at Cambridge called 'Ten-Year Men,' T.Y.C., does not exist in any other University. The academic titles of Licentiate and Student in Theology are peculiar to the University of Durham. The title of Civil Engineer is used only in this University and that of London. In the Oxford Calendar several Graduates are counted twice over, and in one instance *three times*; so that the numbers of Oxford are rather smaller than they are stated to be. In the Cambridge Calendar, a mistake exists in the enumeration of the members of St. John's College, which are greater by nine than they are stated to be; while, therefore, it

appears by that book, that the total number of the University (not of the Colleges only) is 5566, the real number is 5575. In one curious instance at Oxford, the Professor of Music, Dr. Crotch, is not reckoned in the calendar among the members of the University. The class of *commorantes in villâ* is unknown at Oxford.

"TABLE. III. contains the members of the three Universities of Oxford, Cambridge, and Dublin, arranged according to their ranks. There is also a subsidiary division, in which an attempt is made to find the 'stimulating force' of each College. Assuming that the *practical pecuniary* influence of the various revenues, possessed or disposed of by each College, is to apply a certain stimulus to the persons either in possession of these revenues or in expectation of them, or having the faculty of competing for them, we may find the pecuniary stimulating force exercised by these revenues, by dividing in each case their sum by the number of persons influenced by them. The quotient will give the proportion of a certain sum of money applicable to a single individual, and may be taken as an index of the average pecuniary stimulating force acting on each member of the College. Since the incumbencies of the benefices are at the disposal of the Colleges, their value and the number of their incumbents come into the composition of this force; and the other members who are affected by it may be assumed as composed, on the average, 1st, of all the members of the Foundations; 2nd, of all the members of each College who are not members of the Senate or Convocation; elections to College Offices or preferment being very rarely made from Members of the Senate or Convocation, who are not previously on the Foundation. The result, after all, is to be considered as a mere speculation, for the pecuniary stimulating force is so mixed up with the moral force of these institutions, that their effects can hardly be estimated separately. The Universities, too, connected as they are with the frame-work of the upper ranks of society, exercise a silent and almost imperceptible, but constant influence upon the education of the country and the results of that education, which it is very difficult rightly to appreciate.

"TABLE IV. presents a comparative view of the stimulating

force of each College at Cambridge, with the literary and scientific honors gained by each society, according to the interesting and useful Table published in the Cambridge Calendar, which is wanting in the other two works. This proportion of effects to force, which, in the case of King's College for example, is as one to three, will be observed in those of St. John's and Trinity to be about five to one and ten to one respectively. But here again it is evident that the moral force of the respective institutions must be taken largely into account, in order to obtain the true duty of such vast intellectual machinery.

"In the TABLE No V. is a statement of the average incomes of the various functionaries of the Universities of Great Britain. These are accurate for Scotland only up to the date of the report above alluded to, 1827–1830; and it may be reasonably supposed, from the increasing prosperity of the Scotch Universities, that these incomes have since been considerably augmented, on account of the increase of students.

"Under the division of expenditure, TABLE No. VI., the average annual sum spent at Oxford, is assumed for each individual at £300 per annum; at Cambridge, at £250; at Dublin, £200; at Durham, £150; at Edinburgh, rather under £100; at Glasgow, about £70; at Aberdeen, about £50; and at St. Andrew's, at about the same sum, or rather more.

"TABLE VII. gives a complete list of all the Professorships and Lectureships in each of the Universities classed according to subjects.

"TABLE VIII. contains most of the results of the above Tables, and others not comprised in them, giving a general statistical view of the *personnel* and *materiel* of each University.

"In the cases of the Scotch Universities and Colleges there is a difficulty in distinguishing between the University and the College officers; the distinction between the University and the College not being so precise as in England; the numbers, therefore, under these heads are somewhat indeterminate. The same annual average value is adopted for the University benefices as for College benefices, much below what is supposed to be their real value.

"In estimating the incomes of the Universities, as distinct from those of the Colleges, the same difficulty of distinction exists in the Scotch Universities, and in that of Dublin, as is the case with regard to the officers. For Cambridge and Oxford the sources of the income may be indicated, though the amount cannot be so easily estimated. Thus the revenues held in trust for particular purposes, such as museums, botanical gardens, &c., are not taken into account; the only fund partaking of this nature, which is taken notice of, is that which constitutes the principal wealth of the Universities — the profits from the printing-offices. These establishments, having peculiar privileges of monopoly, in the cases of all Bibles, Testaments, and Prayer-Books published without notes, and having attained considerable celebrity as classical and mathematical presses, are in the enjoyment of a vast printing trade.

"It appears by Parliamentary Papers (Commons, 1815, July 6, Nos. 461 and 462,) that —

	£.	s.	d.
"The *drawback* on paper printed at the Cambridge University Press, during *seven* years ending 5th April, 1815, was	13,087	7	6
The *drawback* on paper printed at the Oxford University Press, during the same period, was	18,658	2	6
The *value* of Bibles, Testaments, and Prayer-Books printed at Cambridge, during the same period, was	149,050	4	2
The *value* of other books printed at Cambridge during the same period, was	16,993	15	0
	166,042	19	2
The value of Bibles, &c., printed at Oxford, during the same period, was	212,917	1	8
The value of other books printed at Oxford, during the same period, was	24,776	5	0
	237,693	6	8
Yearly average *value*, Cambridge	23,720	8	5
Yearly average *value*, Oxford	33,956	3	9

"If the peculiar circumstances under which the Universities conduct their business be taken into account, and compared with the general condition of the book trade, it may be calculated that

nearly 30 per cent. upon the above sums is clear profit. Since 1815, however, the book trade of the Universities has at least doubled; and their profits must have kept pace with their extent of business, from the circumstances of monopoly attending it. In calculating the revenues of the Universities in the table, the profits of the printing-press at Oxford are assumed to be 10,000*l.* per annum; at Cambridge, 5000*l.*; both sums being greatly below the reputed amounts. The other income of the Universities arises from degree-fees and estates, &c.; which for Oxford is assumed at 5000*l.* per annum, and for Cambridge at 4000*l.*; the scholarships of the Universities, the professorships, and the prizes, make up the other income. In all cases, the common reputed value and the probable value are both much above the sums given in the Table.

"In the case of the Scotch Universities, there is no doubt but that their revenues must have been much augmented since the time of the report above quoted, which, however, is the only authentic document published on the subject.

"There is very little chance of error in estimating the total incomes of the Universities and Colleges mentioned in this table at 500,000*l.*, and if to this be added the tuition-money, and the value of the benefices, the total amount disposable by the Universities is about 800,000*l.* per annum; which is in reality only a small sum when compared either with the annual budget and revenues of the country, or with the paramount importance of superior education to a great and intelligent nation.

TABLE I.—*College Revenues.*

NOTE.—Whenever an Asterisk is affixed to any figures in the following Tables, it signifies that the figures marked are doubtful.

COLLEGES.	Heads.		Fellows.		Scholarships, &c.		College Officers, and Tuition Money.		Prizes.[a]		Benefices.			Rent of Rooms.	College Revenues.
	Number.	Revenue.	Number.	Revenue.	Number.	Value.	Number	Amount.	Number.	Value.	Number.	No. of Incumbents.	Value.	Amount.	Amount.
OXFORD.		£.		£.		£.		£.		£.			£.	£.	£.
University ..	1	800	12	2400	18	270	6	600	–	—	10	10	3000	430	3900
Baliol	1	800	12	2400	28	420	9	850	–	—	20	18	6000	640	4260
Merton .. .	1	700	24	4800	20	300	12	300	–	—	16	16	4800	230	6030
Exeter	1	700	25	5000	19	285	9	1300	–	—	12	9	3600	980	6965
Oriel	1	1000	18	3960	15	225	8	800	–	—	13	13	3900	630	5815
Queen's	1	800	24	5800	49	735	9	1200	–	—	30	26	9000	920	7255
New	1	1000	70	17500	—	—	23	120	–	—	37	36	11100	90	18590
Lincoln	1	700	12	2400	21	315	7	400	–	—	11	10	3300	300	3715
All Soul's ..	1	1000	40	10000	4	60	2	—	–	—	18	17	5400	—	11060
Magdalen ..	1	1000	40	12000	30	450	16	200	–	—	37	35	11100	160	13610
Brazen Nose ..	1	800	20	4000	47	750	14	750	–	—	40	39	12000	560	6110
Corpus Christi .	1	700	20	4000	24	360	11	250	–	—	22	22	6600	190	5250
Christ Church .	1	2000	8 101	8000 10100	—	—	17	3000	– –	— —	94	89	28200	1910	22010
Trinity	1	700	12	2400	16	240	9	850	–	—	9	9	2700	640	3980
St. John's ..	1	800	50	10000	2	30	8	350	–	—	29	29	8700	270	11100
Jesus	1	800	19	2800	18	270	11	750	–	—	24	22	7200	570	4400
Wadham	1	800	15	3000	31	465	10	780	–	—	11	9	3300	600	4865
Pembroke ..	1	700	14	2800	31	465	7	550	–	—	13	12	3900	430	4395
Worcester ..	1	700	21	4200	21	315	6	880	–	—	8	8	2400	680	5895
St. Mary Hall. .	1	300	—	—	—	—	1	200	–	—	–	—	—	150	450
Magdalen Hall.	1	800	—	—	4	60	1	800	–	—	1	1	300	780	1640
New Inn Hall. .	1	250	—	—	—	—	—	220	–	—	–	—	—	200	450
St Alban Hall .	1	200	—	—	—	—	2	200	–	—	–	—	—	150	350
St. Edmd. Hall.	1	300	—	—	1	15	1	300	–	—	–	—	—	220	535
Total	24	18350	557	116560	399	6030	199	15650	–	—	445	430	136500	11730	152670
CAMBRIDGE.															
Peterhouse ..	1	500	24	3960	50	440	10	750	13	26	11	11	3300	720	5646
Clare Hall ..	1	600	22	4400	46	680	5	600	13	42	16	16	4800	480	6202
Pembroke ..	1	690	16	2960	43	670	8	550	8	16	10	10	3000	500	4746
Caius	1	1000	29	7370	41	1580	14	1100	8	54	25	16	7500	840	10844
Trinity Hall ..	1	300	12	1440	16	210	4	600	11	66	10	8	3000	430	2446
Corpus Christi .	1	400	12	2400	60	660	10	900	5	25	12	11	3600	1050	4535
King's	1	1600	70	20400	—	—	11	150	14	71	34	30	10200	—	22071
Queen's	1	600	20	4000	26	440	9	1300	7	42	11	10	3300	600	5682
Catharine Hall.	1	500	14	2060	43	670	8	850	9	21	4	4	1200	320	3571
Jesus	1	400	16	3200	46	860	6	800	10	38	16	15	4800	500	4998
Christ's	1	800	15	3500	89	1740	7	900	13	211	17	15	5100	720	6971
St. John's ..	1	1000	61	10560	126	2000	25	2200	64	110	48	46	14400	3750	17420
Magdalene ..	1	900	17	1580	42	900	6	600	9	78	8	7	2400	540	3998
Trinity	1	2000	60	14400	83	1000	45	5000	50	159	63	57	18900	3750	21409
Emmanuel ..	1	350	15	2500	40	670	9	750	9	37	18	17	5400	720	4277
Sidney	1	600	12	2400	36	650	7	400	8	42	6	6	1800	540	4232
Downing ..	1	500	16	3200	6	120	6	300	–	—	2	1	600	400	4220
Total ..	17	12650	431	90330	793	13390	179	17750	251	1038	311	280	93300	15860	133268
Dublin (Trinity)	1	2000	25	25400	70*	2100	10	20000	17	—	31	31	9300	2000	31500
Durham	1	—	24	3180	27	880*	7	—	–	—	–	—	—	—	—
London		—	–	—	—	—	—	—	–	—	–	—	—	—	—

[a] No information on this point is given in the Oxford Calendar.

PLAN OF
OXFORD
with the
23 COLLEGES
and
HALLS
1842
OLD FORTIFICATIONS
ST JOHN'S COLLEGE
TRINITY COLLEGE
WADHAM COLLEGE
WORCESTER COLLEGE
BALLIOL COLLEGE
JESUS COLLEGE
NEW COLLEGE
LINCOLN COLLEGE
BRASEN NOSE COLLEGE
QUEENS COLLEGE
ST EDMUNDS HALL
NEW INN HALL
MAGDALEN COLLEGE
UNIVERSITY COLLEGE
MARY HALL
ORIEL COLLEGE
CHRIST CHURCH
PEMBROKE COLLEGE
MERTON COLLEGE
STALHAM HALL
ST GILES STREET
BROAD STREET
HOLYWELL STREET
CASTLE STREET
HIGH STREET
KING STREET
Merton Fields
Christ Church Meadow
To Wickham
Holywell or St Cross Church

TABLE No. II.—*Degrees.*

OXFORD.

	Nob.	D.D.	D.C.L.	D.M.	D. Mus.	B.D.	M.A.	B.C.L.	B.M.	B.A.	B. Mus.	S.C.L.	S.M.	G.C.	Comm.	Serv.	Total.
University	5	3	—	3	—	—	188	3	—	54	—	3	—	—	55	—	234
Baliol	1	2	4	1	—	4	114	2	—	86	—	1	1	—	87	—	303
Merton	—	5	1	—	—	3	57	—	—	32	—	—	—	—	32	—	130
Exeter	—	6	1	2	—	7	110	—	1	62	—	—	—	—	124	—	313
Oriel	1	9	5	1	—	4	144	—	—	79	—	—	—	5	70	—	318
Queen's	—	12	3	—	—	2	162	1	1	25	—	—	1	—	58	—	265
New	2	3	6	—	—	2	57	24	—	11	2	12	—	12	19	—	150
Lincoln	—	2	—	—	—	16	48	1	—	17	—	1	—	—	46	—	131
All Souls'	—	5	21	—	—	4	47	8	1	8	—	6	—	—	4	—	104
Magdalen	1	7	1	1	—	40	79	—	—	21	—	—	—	2	17	—	169
Brazennose	—	8	8	6	—	17	192	—	—	64	—	—	—	2	97	—	394
Corpus Christi	—	6	1	1	—	27	52	1	—	14	—	—	—	2	15	—	119
Christ-Church	65	19	6	6	1*	9	384	3	3	111	1	1	—	127	152	15	903
Trinity	1	2	2	1	—	15	95	3	—	70	—	2	1	8	80	—	280
St. John's	1	4	18	1	—	25	69	6	2	42	1	2	—	4	53	—	228
Jesus	—	5	3	—	—	19	23	1	—	41	—	2	—	4	48	—	146
Wadham	—	2	1	2	—	2	80	—	—	75	—	1	1	—	81	—	245
Pembroke	—	3	2	1	—	4	95	—	—	28	—	1	—	2	45	—	181
Worcester	—	7	2	2	—	1	95	2	—	30	—	—	—	10	90	—	239
St. Mary Hall	1	4	—	1	—	—	17	—	—	12	—	—	—	2	19	—	56
Magdalen Hall	—	2	2	1	—	2	50	—	—	31	—	4	—	15	75	—	182
New Inn Hall	—	1	—	—	—	—	4	—	—	17	—	3	—	5	19	—	49
St. Alban Hall	—	1	—	—	—	—	9	1	—	8	—	—	—	1	5	—	25
St. Edmund Hall	—	5	—	—	—	2	46	—	—	13	—	—	—	—	34	—	100
Total	78	123	87	30	1*	205	2137	56	8	951	4	39	4	201	1325	15	5264

CAMBRIDGE.

	Nob.	D.D.	D.C.L.	D.M.	D. Mu.	B.D.	M.A.	B.C.L.	B.M.	B.A.	B. Mu.	S.C.L.	F.C.	Pens.	Siz.	T.Y.C.	Total.
Peterhouse	—	4	—	1	—	6	88	2	2	32	—	—	8	53	3	6	205
Clare Hall	—	1	—	—	—	4	76	1	1	26	—	1	3	50	3	3	169
Pembroke	—	2	—	1	—	—	42	—	3	34	—	—	—	39	3	—	124
Caius	1	1	1	12	—	1	108	1	14	49	—	—	1	91	—	—	280
Trinity Hall	—	—	11	—	—	—	34	25	1	6	—	4	31	33	1	3	139
Corpus Christi	—	2	—	1	—	12	75	—	1	50	—	—	4	68	9	5	227
King's	—	2	—	—	—	1	76	—	—	15	—	—	—	16	—	—	110
Queen's	1	—	1	3	—	18	114	6	3	53	—	—	17	85	21	31	353
Catharine Hall	—	3	—	—	—	3	70	2	2	44	—	—	7	59	3	10	203
Jesus	—	1	—	1	—	2	75	1	1	36	a1*	—	5	57	—	—	179
Christ's	5	2	1	2	—	1	89	—	1	51	—	—	9	54	4	3	222
St. John's	25	16	3	5	—	70	454	6	6	200	—	—	17	206	62	26	1996
Magdalene	8	—	—	—	—	1	76	1	1	36	—	—	7	47	3	8	188
Trinity	73	12	5	10	—	12	761	9	11	339	—	—	40	385	31	10	1698
Emmanuel	2	4	1	1	—	18	88	4	1	33	—	—	6	50	3	9	220
Sidney	1	6	—	—	1	12	37	1	2	9	—	—	4	28	—	—	101
Downing	—	—	—	1	—	1	26	—	3	2	—	—	17	—	—	—	50
Commorantes in Villa	—	—	—	2	—	—	9	—	—	—	—	—	—	—	—	—	11
Total	116	56	23	40	1	162	2298	59	53	1015	1*	5	166	1321	146	114	5575

DUBLIN.	Nob.	D.D.	D.C.L.	D.M.	D. Mus.	B.D.	M.A.	B.C.L.	B.A.	F.C.	Pens.	Siz.	Total.
Trinity	3	32	13	6	1	4	29	1	162	185	1159	42	1624

DURHAM.	D.D.	D.C.L.	B.D.	M.A.	B.C.L.	B.A.	Lic.Theol.	Civil Eng.	Students.	Total.
University College	21	10	8	173	4	48	30	6	94	394

TABLE No. III.—*Ranks and Stimulating Forces.*

OXFORD.	RANKS.						STIMULATING FORCES.		
	Members on the Books.	Noblemen, Hon., Bts. Knights.	Clergy-men.	Lay-men.	Members of Convo-cation.	Non-Members of Convo-cation.	Mem-bers.	College Revenues. £.	Stimula-ting Force per Head. £.
University	234	6	94	140	119	115	139	6900	49·6
Baliol	303	5	104	199	127	176	204	10260	50·2
Merton	130	6	42	88	66	64	100	10830	108·3
Exeter	313	1	112	201	127	186	211	10565	50·
Oriel	318	23	126	192	163	155	182	9715	53·3
Queen's	265	—	162	103	180	85	145	16255	112·1
New	150	2	83	67	76	80	150	29690	197·9
Lincoln	131	—	67	64	66	65	96	7015	73·
All Soul's	104	28	52	52	78	26	72	16460	228·6
Magdalen	169	3	109	60	126	43	122	14710	120·5
Brazennose	394	5	176	218	227	167	225	18110	80·4
Corpus Christi	119	1	75	44	86	33	78	11850	151·9
Christ-Church	903	145	315	588	481	422	579	50210	86·7
Trinity	280	2	116	164	116	164	185	6680	36·1
St. John's	228	3	124	104	117	111	164	19800	120·7
Jesus	146	—	78	68	53	93	134	11640	86·8
Wadham	245	—	105	140	87	158	180	8165	45·3
Pembroke	181	—	105	76	105	76	104	8295	79·7
Worcester	239	3	113	126	104	135	158	8295	52·5
St. Mary Hall	56	1	21	35	23	33	35	450	12·8
Magdalen Hall	182	—	66	116	57	125	127	1940	15·2
New Inn Hall	49	—	10	39	5	44	45	450	10·
St. Alban Hall	25	—	13	12	10	15	17	350	20·5
St. Edmund Hall	100	—	62	38	53	47	49	535	10·9
Total	5264	234	2330	2934	2646	2618	3501	279170	106·6

CAMBRIDGE.	RANKS.						STIMULATING FORCES.		
	Members on the Boards.	Noblemen, Hon., Bts., Knights.	Clergy-men.	Lay-men.	Members of the Senate.	Non-Members of the Senate.	Mem-bers.	College Revenues. £.	Stimula-ting Force per Head. £.
Peterhouse	205	3	85	120	98	107	140	8946	63·9
Clare Hall	169	1	83	86	80	89	124	11002	89·5
Pembroke	124	2	35	89	45	79	100	7746	77·5
Caius	280	5	156	124	124	156	197	18344	93·1
Trinity Hall	139	2	35	104	45	94	110	5446	49·5
Corpus Christi	227	3	100	127	90	137	158	8135	51·4
King's	110	1	51	59	79	31	101	32271	319.5
Queen's	353	2	156	197	130	223	249	8982	36·
Catharine Hall	203	—	101	102	75	128	144	4771	33·1
Jesus	179	3	58	121	78	101	129	9798	75·9
Christ's	222	6	105	117	99	123	154	12071	78·3
St. John's	1096*	45	454	642	564	532	617	31820	51·5
Magdalene	188	15	89	99	84	104	121	6398	52·8
Trinity	1698	140	506	1192	864	834	947	40309	42·5
Emmanuel	220	3	101	119	114	106	139	9677	86·
Sidney	101	2	49	52	55	46	61	6032	98·8
Downing	50	6	14	36	28	22	26	4820	185·4*
Commorantes in Villa	11	—	3	8	11	—	—	—	—
Total	5575	239	2181	3394	2663	2912	3517	226568	66·

DUBLIN.	RANKS.				STIMULATING FORCES.		
	Members on the Boards.	Noblemen, Hon., Bts., Knights.	Clergy-men.	Lay-men.	Mem-bers.	College Revenues. £.	Stimula-ting Force per Head. £.
Trinity	1624	4	42	1582	1422	40800	28.7

TABLE No. IV.—*Cambridge Forces and Honors.*

	Peterhouse.	Clare Hall.	Pembroke.	Caius.	Trinity Hall.	Corpus Christi.	King's.	Queen's.	Catharine Hall.	Jesus.	Christ's.	St. John's.	Magdalen.	Trinity.	Emmanuel.	Sidney.	Downing.	TOTAL.
	£.	£.	£.	£.	£.	£.	£.	£	£.	£.	£.	£.	£.	£.	£	£.	£.	£.
Stimulating Force....	63·9	89·5	77·5	93·1	49·5	51·4	319·5	36	33·1	75·9	78·3	51·5	52·8	42·5	86	98·8	185·4	66
University Honors ..	29	18	65	53	9	33	105	30	18	21	46	279	33	522	16	29	2	1315

TABLE No. V.—*Average Incomes.*

	Heads.	Fellows.	University Scholars,&c.	College Scholars,&c.	Professors.	Lecturers.
		£.	£.	£.	£.	£.
Oxford	764·6	211	42.4	15	187·3	150
Cambridge	744	209·6	50	15	181·2	47·7
Dublin	2000	1106	—	30	153·8	—
Edinburgh	151	—	—	16·1	620	—
Glasgow	20	—	—	18	553·8	—
Aberdeen	230	—	—	13·3	204·5	—
St. Andrew's ..	272·5	—	—	12·2	314·1	—
Dumfries	292·7	—	—	—	292·7	—
London	—	—	—	—	—	—
Durham	—	—	30	—	500	—
						50

TABLE No. VI.—*Expenditure, &c.*

	Number of Members usually Resident.	Annual Expenditure of Members usually Resident.	Rate of Increase.	Number of Degrees conferred in 1837.	Stimulating Force of Universities.
		£.			£.
Oxford	1600*	480000*	In 1836.. 5151 In 1837.. 5261 Diff. 110	434	106·6
Cambridge	1600*	400000*	In 1836.. 5467 In 1837.. 5575 Diff. 108	528	66
Dublin	800*	160000*	1624	370	28·7
Edinburgh	2300*	200000*	—	150*	10·2
Glasgow	1300*	90000*	—	80*	9·9
Aberdeen	650*	30000*	—	—	13·4
St. Andrew's ..	300*	17000*	—	—	14·8
Dumfries	—	—	—	—	—
London	—	—	—	—	—
Durham	—	—	—	50†	—

† These Degrees in the University of Durham were conferred in 1841.

Table No. VII.— *Professors and Lecturers.*

Professors and Lecturers.	Oxford.	Cambridge.	Dublin.	Edinburgh	Glasgow.	Aberdeen.	St. Andrew's.	Dumfries.	London.	Durham.	Total.
Divinity	3	3	1	3	1	2	2	1	1	1	18
Ditto Lecturers	1	3	3	—	—	1	—	—	—	—	8
Moral Philosophy	1	1	1	1	1	2	1	1	1	—	10
Philosophy Lecturers	—	1	—	—	—	—	—	—	—	—	1
Logic	—	—	—	1	1	1	1	1	1	—	6
Ditto Lecturers	—	1	—	—	—	—	—	—	—	—	1
Rhetoric	—	—	1	1	—	—	—	—	—	—	2
Ditto Lecturers	—	1	—	—	—	—	—	—	—	—	1
Greek	1	1	1	1	1	2	1	1	1	1	11
Latin, Humanity	—	—	—	1	1	1	1	1	1	—	6
Classical Literature	—	—	—	—	—	—	—	—	1	—	1
Hebrew	1	1	1	1	1	—	1	—	1	1	8
Oriental Languages	—	—	—	—	—	2	—	1	1	—	4
Sanscrit	1	—	—	—	—	—	—	—	—	—	1
Hindoostanee	—	—	—	—	—	—	—	—	1	—	1
Arabic	1	2	—	—	—	—	—	—	—	—	3
Ditto Lecturers	1	—	—	—	—	—	—	—	—	—	1
Modern Languages	—	—	—	—	—	—	—	1	—	1	2
French	—	—	1	—	—	—	—	—	2	—	3
Italian	—	—	1	—	—	—	—	—	2	—	3
Spanish	—	—	1	—	—	—	—	—	2	—	3
English	—	—	—	—	—	—	—	—	1	—	1
Anglo-Saxon	1	—	—	—	—	—	—	—	—	—	1
German	—	—	1	—	—	—	—	—	2	—	3
Poetry	1	—	—	—	—	—	—	—	—	—	1
Music	1	1	—	1	—	—	—	—	—	—	3
Ancient History	1	—	—	—	—	—	—	—	—	—	1
Modern History	1	1	1	—	—	—	—	—	—	1	4
Ecclesiastical History	1	—	—	—	1	—	1	1	—	—	4
Universal History	—	—	—	—	—	—	1	—	1	—	2
Political Economy	1	1	1	—	—	—	—	—	2	—	5
Civil Law	1	1	1	1	1	1	—	—	—	—	6
Public Law, Jurisprudence	—	—	—	1	—	—	—	—	2	1	4
English and Common Law	1	1	1	1	—	—	—	—	1	—	5
Conveyancing	—	—	—	1	—	—	—	—	—	—	1
Ditto Lecturers	—	—	—	—	—	1	—	—	—	—	1
Astronomy	1	2	1	1	1	—	—	—	—	—	6
Ditto Observers	1	1	—	—	—	—	—	—	—	—	2
Mathematics	—	1	1	1	1	2	1	1	2	1	11
Ditto Lecturers	—	1	5*	—	—	—	—	—	—	—	6
Algebra Lecturers	—	17	—	—	—	—	—	—	—	—	17
Geometry	1	—	—	—	—	—	—	—	—	—	1
Natural Philosophy	1	1	1	1	1	2	1	1	2	1	12
Ditto Lecturers	1	—	—	—	—	—	—	—	—	—	1
Geology	—	1	—	—	—	—	—	—	1	—	2
Ditto Lecturers	1	—	—	—	—	—	—	—	—	—	1
Mineralogy	—	1	—	—	—	—	—	—	1	—	2
Ditto Lecturers	1	—	—	—	—	—	—	—	—	—	1
Mining & Civil Engineering	—	—	—	—	—	—	—	—	2	—	2
Chemistry	1	1	1	1	1	1	—	—	2	1	9
Botany	1	1	1	1	1	1	—	—	1	—	7
Zoology, Natural History	—	—	—	1	1	1	—	—	2	—	5
Ditto Lecturers	—	—	1	—	—	1	—	—	—	—	2
Agriculture	—	—	—	1	—	—	—	—	—	—	1
Commerce	—	—	—	—	—	—	—	—	1	—	1
Anatomy	1	1	1	1	1	—	—	—	4	—	9
Ditto Lecturers	2	—	—	—	—	1	—	—	—	—	3
Surgery	—	—	—	—	1	1	—	—	2	—	4
Ditto Lecturers	—	—	—	—	—	1	1	—	—	—	2
Military Surgery	—	—	—	1	—	—	—	—	—	—	1
Clinical Surgery	—	—	—	1	—	—	—	—	—	—	1
Medicine	1	2	1	1	1	2	1	—	2	1	12
Ditto Lecturers	—	—	—	—	1	—	—	—	—	—	1
Practice of Medicine	1	—	—	1	—	—	—	—	—	—	2
Materia Medica	—	—	—	1	1	—	—	—	2	—	4
Ditto Lecturers	—	—	—	—	1	1	—	—	—	—	2
Clinical	1	—	—	1	—	—	—	—	—	—	2
Midwifery	—	—	—	1	1	—	—	—	2	—	4
Ditto Lecturers	—	—	—	—	—	1	—	—	—	—	1
Medical Jurisprudence	—	—	—	1	—	—	—	—	1	—	2
Physiology	—	—	—	—	—	—	—	—	1	—	1
Total	34	49	29	30	21	28	13	10	52	10	276

TABLE No. VIII.— *General Abstract.*

	Oxford.	Cambridge.	Dublin.	Edinburgh.	Glasgow.	Aberdeen.	St. Andrew's	Dumfries.	London.	Durham.	TOTAL.
Professorships . . . No.	26	24	20	30	19	21	12	10	52	3	217
Lectureships . . . . „	8	25	9	–	2	*7	1	–	–	7	59
University Offices . . „	37	20	9	*10	*11	*8	*7	*7	–	11	120
College Offices . . . „	199	179	10	1	3	2	2	1	2	7	406
Fellowships . . . . „	557	431	25	–	–	–	–	–	–	24	1037
University Scholarships „	26	26	–	–	–	–	–	–	–	27	79
University Fellowships „	2	a 2	–	–	–	–	–	–	–	–	4
College Scholarships, Bursarships, &c. . } „	399	793	70	80	71	240	72	–	–	–	1725
Members on Books or Boards . . . . . } „	5264	5575	1624	b*2267	1279	640	327	–	–	394	17370
Members of Convocation or Senate . . } „	2646	2663	–	*32	*21	*23	14	10	–	234	5643
Colleges . . . . . „	24	17	1	1	1	3	2	1	2	1	52
University Benefices:											
Number . . . . No.	8	2	–	–	–	–	–	–	–	–	10
Incumbents . . . „	8	2	–	–	–	–	–	–	–	–	10
Value . . . . . £	2400	600	–	–	–	–	–	–	–	–	3000
College Benefices:											
Number . . . . No.	455	311	31	–	–	2	–	–	–	–	799
Incumbents . . . „	430	280	31	–	–	2	–	–	–	–	743
Value . . . . . £	136500	93300	9300	–	–	290	–	–	–	–	239390
University Prizes:											
Number . . . . No.	7	16	*16	–	–	–	–	–	–	–	39
Value . . . . . „	160	342	–	–	–	–	–	–	–	–	502
College Prizes:											
Number . . . . No.	–	251	*17	*100	*100	*70	*100	–	–	–	*638
Value	–	1038	-	–	–	–	–	–	–	-	*1038
Revenue:											
Professors & Lecturers £	5400	5500	4000	18600	11630	5522	3456	3220	–	1350	*58678
University Officers . „	3000	2000	–	650	120	–	60	–	–	–	*5830
College Officers. . . „	15650	17750	20000	–	–	–	–	–	–	-	*53400
Heads of Houses . „	18350	12650	2000	151	455	600	545	292	–	-	35013
Fellows . . . . „	116560	90330	25400	–	–	–	–	–	–	3180	235470
University Scholarships „	1188	1300	1000	–	–	–	–	–	–	*880	4368
College Scholarships „	6030	13390	2100	1345	1287	3194	884	–	–	-	28230
Total Revenue:											
Colleges . . . . £	152670	133268	31500	888	9406	c3479	4097	3220	–	-	388528
Universities . . . „	22000	16000	–	22300	3511	3479	297	–	–	2230	69817
Colleges & Universities „	174670	149268	*31500	23188	12917	9496	4394	3220	–	2230	410683

a Travelling Bachelors. b Scotch Returns for 1829. c Ibid, pp. 310, 343.

APPENDIX BY THE AUTHOR.

THE LITERATURE CONNECTED WITH THE SUBJECT OF THE ENGLISH UNIVERSITIES.

Unfortunately, in every branch of learning and science, the number of works actually written is always large, in proportion to those from which any thing really profitable may be learnt: but I doubt whether this is anywhere more emphatically true than in the History of the English Universities. I am forced to give prominence to this statement, lest some officious Reviewer, — (for what book can be secure against such critics?) — imagine that the Author has taken matters easily, and has merely referred to some half dozen books, with which he happened to be acquainted: when by diligent and judicious research he might have learnt much more, &c., &c. However, I do not hesitate to assert that,—while my chief difficulty lay in want of matter for details, — at the same time the materials which did exist were generally such, and so weighty, that, taking them for my text, they needed a very full and detailed commentary. They are like some scanty but important ruins, which, in their scattered state, still show traces of a vast building,— a palace, a temple, a whole town,— while, if we are to restore the past, arguments must be drawn from every remaining stone. Among more than a hundred works upon the English Universities that I have either had in my own hands, or become acquainted with in other ways, I could scarcely name six which have been of real use to me. I do not here speak of those general historical works, that I have been forced to employ by way of supplement; and on this head I merely observe, that I do not believe I have overlooked any thing of consequence. Should any one doubt this, I would suggest that he examine them well before

accusing me of negligence: I have myself been only too often undeceived in such ideas. It is especially remarkable how little that is new or good can be gleaned from the biographical literature upon this subject. For treating as worthless or unimportant, works which I have not seen myself, I could easily adduce sufficient grounds: but, I believe, judicious men will thank me for not wasting time and room about it. Why so pleasing and rich a field has drawn to it so few able laborers, I cannot say: except that the Universities themselves, not only by their apathy, but also by their mistrust and illiberality, have done very much indeed to throw difficulties in the way of the few willing and able tillers of this soil. By way of sample, I need only refer to Hearne and Wood, formerly; and in later times, to Dyer's caution and timidity: though certainly Dyer's ability for the task was but very moderate.

Among the few preliminary works of value, there is one so pre-eminent, that it is scarcely possible to place it in the same class with the rest. Of course I refer to the [Latin] *History and Antiquities of the University of Oxford*, by the excellent Anthony Wood, who alone has done ten times more for the cause, than all the others put together; and without whose labors, it would be impossible now to entertain even a thought of writing a History of the English Universities. Yet from his autobiography, (v. ed. Hearne,) and from other known incidents of his life, it is very clear that even he was exceedingly hampered by various considerations, and by the interference of the Academic Authorities; and that every striking historical truth to be found in his works was attacked as a malevolent slander. His adversaries perhaps might plead, that if a historian lay under the duty of Truth, so had they, as a Corporation, rights and duties to defend: but be that as it may, it is said that the Vice-chancellor of the day, Dr. Fell, (otherwise a most respectable man,) used his influence, when Wood's work was coming out, to injure the independence of the historian. By his advice and will, the work, which was originally written in English, appeared in Latin, and thereby got tainted with the curse of University *Rhetoric*; a style sufficient in itself to wipe out all the broader features of local truth. The English original,

it is true, was afterwards published with additions and remarks by the editor, (Gutch,) under the title of "*History and Antiquities of the University of Oxford;*" &c.; by A. Wood, 5 vols. 4to.; 1786–90; but I could not get it, and I do not believe it is to be found in any German library, unless perhaps at Vienna. Yet, from all that I have heard, it seems I need not regret this; especially considering how extremely little that is new, appears in the *second** part of the History, (with which I am acquainted,) published in the English by Gutch, and how very little the English original differs from the Latin in this part of the work. Bliss, in publishing the "*Fasti Oxonienses,*" and the "*Athenæ Oxon.*" (1819, 4 vols. 4to.) has at least done us the service of continuing them to his time. But these works, however meritorious in themselves, are but little to the purpose of my History. Indispensable as they are for a history of University Literature, (*i.e.* two-thirds of English Literature,) they yield but few materials for the history of the University itself. As to Wood's most important work, as far as it goes, (*i.e.* up to the beginning of the Republican Usurpation,) it may be called a collection of materials in the form of annals; entirely devoid of comprehensive views, and almost entirely of all judgment, combination, and talent; but true, systematic, and even in a certain sense, critical, and comprising all the matter there to be found. Wood's sound criticism fails him indeed at the beginning, where he suffers himself to be led (against his own will perhaps, or as a point of honor) into all the absurdities about the *Græco-Briton* origin of the Universities. Except in this instance, he almost always adheres either to contemporaneous and for the most part documentary evidence, (his sources being enumerated at the end of the work,) or to such histories as were to be found at the time. If he leaves us in the dark on several important points, we may probably conclude, that even in his time little certain could be learned about them. It is only in his history of the academic constitution and laws that we might charge him with confusion, and scantiness of explanation; faults which might have been greatly avoided, by citing the documents before

* This contains the History of the Colleges and of other Institutions.

him, had he not been quite wanting in comprehensive views, and in a right understanding of what would be most important for posterity to know. How far the fault belongs to him personally, and how far to his times, is a nice point to decide.

The only author upon Oxford after Wood, worthy to come under our notice, is Ayliffe, ("Ancient and Present State of the Universities of Oxford," 1714, 2 vols. 8vo.) For although his history, except a few scanty details concerning the end of the seventeenth century, is a meagre extract from Wood; he has communicated many entire documents, from which Wood gives only separate quotations. With Ayliffe, however, terminate all the works upon Oxford which have the least value.

Only the "Oxoniana" (1812, 4 vols. 12mo.) contains a few passages, *not* borrowed from Wood, and yet of service. Chalmers, in his "History of the Universities of Oxford, &c., *with a series of Engravings*, &c.; 1820, 2 vols., 8vo.;" gives only a few very superficial notices of the different Colleges up to his time. I am not acquainted with the "*Collectanea*" published by Gough; yet I have no great curiosity about them: Ingram, who has used them, has at all events gathered nothing new from them. As to Ingram's own work, it must be greatly recommended, on account of its illustrations; moreover it completes Wood, as regards several of the Colleges and Institutions. But his history of the University *proper*, shows at best that no new materials are to be found in Oxford, that were not used and communicated by Wood. As for the controversial works, so highly prized in their day, of Th. Caius (*Assertio Antiquit. Oxon. cum fragmento Ox. Historiolæ;* 1568, 4to.,) and Bryan Twin, (Antiq. Acad. Oxon. Apolog. 1608, 4to.) I name them only to state, that I owe nothing whatever to them. They communicate nothing of value, even incidentally, that is not to be found in Wood. I have had little access to the histories of the separate Colleges; nor have I much needed it. I give below a list of those with which I am acquainted. The Statutes of 1636 were printed, (1766, 2 vols. 4to.,) but never published. Some scanty extracts from them have been occasionally put forth, "*ad usum Juventutis.*"

With respect to CAMBRIDGE, we have only Caius, Fuller, Parker, and Dyer.

In J. Caius ("Historia Universitatis Cantabrig.;" 1574, 4to.) I have found nothing of service, which has not been better and more fully treated in later works; and on that account I lay no stress upon him. He too wastes time, room, and learning, on unprofitable antiquarian contests with the Oxonians.

Fuller's "History of the University of Cambridge" first appeared simply as an Appendix to his Church History, (1655, folio.)* Fuller gives a continuous historical narration down to his own time, in which he avails himself of the various documentary, traditional, written and oral accounts: but these are in some respects too pithy and short. He himself evinces a want of talent for the work. He shows continually a kind of satirical humor, which certainly has an excellence of its own,—as a reaction of sound common sense against antiquarian pedantry and absurdity,—but which greatly impairs the value of the book as a source of reference; since it allows considerable license in the use of his materials. Besides, he is wholly wanting in the comprehensive judgment needed for compiling a historical work: indeed he appears to use his materials in a modern, heterogeneous, and almost contemptuous style; while the sort of light banter which he laboriously adopts, irresistibly reminds one of a dancing bear.

Dyer, in his History of the University of Cambridge, (1814, 2 vols., 8vo.,) gives nothing of the History of the University *proper*, except dry extracts from Fuller, and a few confused and detached (generally merely literary-historical) notices upon its later history. The separate Colleges are treated of in tolerably full detail, and from his own researches; but in a very superficial and confused manner. They occupy by far the greater part of the book. The faults of this author are even still more conspicuous in his second work, ("The Privileges of the University of Cambridge; together with additional observations on its Antiquities:" 2 vols., 1824, 8vo.) Herein we meet with nothing but

* I have unfortunately been able to refer only to a part of the new edition lately published by Thomas Wright, Esq., with several very learned Notes and other additions.

endless confusion in ideas, in language, and in interpretation of his rather copious materials; besides, a total want of historical judgment, mixed up with a sort of vague half-timid, half-silly reformationary liberalism. Yet this is by far the most useful and meritorious work upon the History of Cambridge, because it communicates for the first time and generally at full, so many documents, statutes, *graces*, interpretations, and Royal letters. For the sake of these valuable materials, which occupy nearly two-thirds of the first volume, we might almost determine to be pleased with the rest of the farrago, could we but persuade ourselves, that he had not yet more in his power to communicate, which might have been of the greatest service. In fact, he had access, *first* to the manuscript collections of Hare, 5 vols. folio; *next*, to those of Baker, 42 vols. folio, partly in the University Library, partly in the British Museum; *thirdly*, to those of Cole. 60 vols. folio, in the British Museum. The latter contain, for the greater part, general antiquarian matter respecting Cambridge and the surrounding counties. When to the above we add, that probably every thing existing in the way of protocols and decisions of the *Senate* were at his disposal, we can scarcely suppress indignation, that he has given us next to nothing from *these* sources. As far indeed as I have been able to ascertain, they contained very little information concerning the earlier history of the University, but so much the more respecting the history of the Colleges, the Literature and Literati connected with the University since the Reformation.

Some compensation in this respect has been lately supplied by Lamb's "Collection of Letters, Statutes, and other Documents from the MSS. of C.C. Coll.," &c. (1838, 8vo.;) and it is to be hoped, that before long still more will be done, by editing the "*Graces* and Statutes;" a task which we understand the Rev. H. Longueville Jones has in hand. We are afraid, however, that Baker's remark—"our registers are so imperfect, that it is scarcely possible to give a perfect account of anything,"—will be found to be only too true. Be that as it may,—documents are, properly speaking, the only serviceable materials which it is possible to find

with regard to the history of Cambridge. In this respect the work published under the title of the "History and Antiquities of the University of Cambridge, in two parts," (London, 1721,) is also of value. It contains, firstly, a translation of the famous *Historiola*. Secondly, the *description of the present Colleges, with an account of their Founders, &c.; by I. Parker:* first printed in Leland's Collect. Lat. in 1622: a very weak production. Thirdly, "*Several Charters granted to the Colleges.*" Fourthly, "*A Catalogue of the Chancellors, and a summary of all the privileges granted to this seminary of learning, &c., from a MS. in the Cotton Library.*" Only the two last parts have been at all to our purpose here. A work similar to that of Ingram upon Oxford, was commenced by Wright respecting Cambridge, but never continued; and this is every way to be regretted, if we may judge by the beginning; particularly, as regards the Colleges. The *external* history of the University, during the last fifty years or so, offers little that deserves attention. Besides, the sources from which it might be learnt are very scanty, and not easy of access. Beyond what may be found scattered about here and there in Biographies, I can only refer to the "*Annual Register*" as far as it goes. Perhaps much might be gathered from the earlier numbers of the "*Gentleman's Magazine,*" and such like periodicals.

Of other works, it is enough to mention their titles; at the utmost with an occasional notice, and pointing out those which are* worthless by the mark †. Herein we have omitted some hundreds of controversial pamphlets.

A.—*Histories of the Universities, properly speaking.*

1. Regesta privileg. almæ Universit. Oxon., 1770. (I am sorry not to be better acquainted with this work. As far as I know, however, it is a compilation from Wood and Ayliffe.)
2. Peshall. History of University of Oxford. 1722. (Compiled from Wood.)

†3. Langbain. Founders of University of Oxford, &c. 1651.

* [The German words are: "mit Bezeichnung *der werthlosen* durch ein†."]

†4. Hutten. Letter on the Antiq. &c. In append. textus Roff. (Ed. Hearne.)

5. Oxoniana. 4 vols. 12mo. (This work contains little that is not taken from Wood.)

6. Commentatio rerum. Illustr. Oxon. gestarum in adventu seren: princip. Elizabethae. 1566.

7. Account of His R. Highness and Guests' visit to Oxford. 1814.

8. Querela Cantabrig. 1647.

†9. Math. Parker. Hist. Colleg. et aular. academ. Cantabrig. An appendix to the Antiquit. Ecclesiæ Britan. ed. Drake, 1729.

†10. Foundation of University of Cambridge, with Catalogue of Founders, &c. 1651. 4to.

†11. Carter's History of University of Cambridge, &c. 1753.

†12. Auckeley. Palæographia Britannica. Pars. II. 1736. 4to. Containing an account of origin of University of Cambridge, &c.

13. Wilson. Memorabilia Cant. 1803. 8vo.

B.—*Relating to the History of the several Colleges.*

14. Kilner. Account of Pythagorean School at Cambridge. (v. i. p. 306.)

15. Smyth. An account of University College. 1728. 8vo.

16. William Faber. Annals of University College. (?)

17. Savage: Balliofergus. History of Balliol College and its Founders. 1668.

18. Statuta Aulæ Regiæ de Brasenose. 1772.

19. Chourton. Lives of the Founders of Brasenose College. 1800. 8vo.

20. Skelton. Pietas Oxon; or Records of Founders, &c. 1828. Folio. (A work of illustrations and engravings, the text of which gives some very useful antiquarian notices; but only as regards the foundation of the College, and the Biographies of its Founders.)

21 Duck. Life of Chichele, Founder of All Souls' College. 1699. 8vo.

22. Spenser. Life of Chichele, Founder of All Souls' College. 1783. 8vo.

23. Warton. Life of Sir. Th. Pope, Founder of Trinity College. 1780. 8vo.

24. Lowth. Life of Bishop Wickenham, Founder of New College. 1777. 8vo.

25. Chauder. Life of Waynflet, Founder of Magdalen College. 1811. 8vo.

26. Master's History of Bennet College. 1753. 4to.

27. Charters and Statutes of Downing College. 1805.

C.—*Relating to the History of the University Towns; with various Historical and Antiquarian Researches.*

†28. Peshall. Ancient and Present State of City of Oxford; by Wood; with additions, &c. 1713. 4to.

29. King. Vestiges of Oxford Castle. 1796. Folio.

30. Swayne's Memoirs of Osney Abbey. 1759. 8vo.

31. Skelton. Antiq. Oxoniensis restauratæ. 1823. 2 vols. 4to. (A mere architectural and antiquarian work of amusement.)

32. Gutch. Collectanea curiosa, &c. 1781. 2 vols. 8vo. (This work contains but little; and still less of any value as regards the History of Oxford.)

33. Blomfield. Collectanea Cantabrig. 1751. (For the greater part monumental inscriptions, &c., of no great value, as regards the History of the Universities.)

D.—*Works; the principal object of which is a description of the state of the Universities at the time being, (in part with illustrations,) some of which however enter upon historical topics.*

†34. Nicolai Fierberti descriptio Oxon. Acad. 1602.

†35. Alibond. Rustica Acad. Oxon. nuper reformatæ in visitatione faniticorum descriptio. 1648. Folio.

†36. Dodwelli, &c. Disputatio de Oxon. ædificiis, &c. 1713. (ed. Hearne.)

37. Loggan. Oxonia Illustrata. 1675. (Remarkable as far as regards the state of the different buildings at the time.)

38. Th. Nele. Collegiorum Scholarumque Oxon.: typograph. descriptio. (ed. Hearne (?))

†39. Fulman. Notitia Oxon. Acad. 1675. 4to.

†40. William's Oxonia depicta. 1738. Folio.

41. Pointer. Academia Oxoniensis, &c. 1742. 12mo.

42. Memorials of an Oxford Scholar. 1765. (This work is unknown to me; but it is probably much in the style and spirit of Amherst.)

43. Amherst. Terræ Filius, &c. 1754. 2 vols. 12mo. (See pp. 262, 502 above.)

44. Salmon. The Present State of the Universities, &c. 1744. 8vo. (Only one volume of this work has appeared, which treats of Oxford — a bad compilation from Wood and Ayliffe, with a few additional notes respecting the events of 1688.)

†45. Malton. Views of Oxford. 1810. Folio.

46. Specimens of Gothic Architecture; or buildings of Oxford. By Mackenzie and Pugin. 4to.

†47. Wade. Walks in Oxford. 1821. 2 vols. 8vo.

48. Ackerman. History of the University of Oxford, with numerous Plates, &c. 1814. 2 vols. 4to. (Tolerably executed engravings — the text a poor compilation.)

49. Perne. Description of Foundation and Privileges of University of Cambridge. 1571.

50. Projecte containing the state, order and manners of Government of University of Cambridge, &c. 1669. 4to.

51. Loggan. Cantabrigia illustrata. 1690. Folio.

52. Green. The Academie; or on the state of University of Cambridge. 1756.

†53. History of University of Cambridge: illustrated, &c. by Harrad. 1813.

54. Ackerman. History of University of Cambridge; with numerous Plates, &c. 1814. 2 vols. 4to.

Descriptions of the Universities may be found also (and sometimes mixed up with historical matters) in many works, and upon other and more general subjects, as, for instance, in the Polydori Virgilii Historia Rer. Anglicar.; in Harrison's Description of England, (an introduction to Holinshed's Chronicles;) in Camden's Britannia; in the Scriptores Anglic.; and of Pitsæus. Of the works of the different travellers, who mention the state of the Universities in the last century, Küttner alone is, properly speaking of any importance. A great deal, especially as far as regards statistical notices upon the present state of the Universities, may be gathered from "Thompson's British Annuals," 1838–9; much however in this work, and more particularly all the historical part, is extremely superficial and incorrect.

E.—*Works upon certain points or occurrences.* — *(a.— of a legal nature.)*

55. J. Colbatch. Jus Academicum. 1733. 4to.
56. An inquiry into the Right of Appeal from the Vice-chancellor's Court of the University of Cambridge, in matters of discipline. 1751.
57. Opinion of an eminent lawyer on the Right of Appeal, &c. to the Senate. 1781. (?)
58. Further Enquiry on the same.—Answer to Author of Further Enquiry, &c. 1763. (?)
59. Magdalen Case, Oxford.—Impartial Account of Illegal Proceedings, &c. against Magdalen College. 1687.
60. Impartial Account of the late Visitation. 1688. By N. Johnson, at the command of the King.

(b.— upon the Bentley transactions.)

61. Account of Proceedings in the University of Cambridge, against Dr. Bentley. 1719.
62. Present State of Trinity College, &c. 1710.
63. Full view of Dr. Bentley's case; by Th. Blomer. 1710.

64. True and impartial account of present differences in Trinity College. 1711.
65. Case of Dr. Bentley vindicated. 1719.
66. Apothecary's Defence of Dr. Bentley. 1721.
67. True copy of articles against Dr. Bentley. 1710.
68. Bentley's answer to a late pamphlet, &c. 1710.

F.

With regard to the modern state of the Universities, it is generally very difficult to separate the polemical and apologetic from the descriptive works, although the one subject may preponderate in one work and the other in another. I therefore comprise this mixed literature all together here. Early in the preceding century, Miller, in his "Account of the University of Cambridge," &c., 1717, commenced (not to mention the "Terræ Filius") his polemical attacks on the Universities. He was followed up by Vicesimus Knox, in his "Essays, moral and literary," 1778, in a more moderate tone, and, at the same time, in a much vaguer manner. These attacks were resumed about the year 1810, with fresh zeal and more successful results, particularly by the Edinburgh Review. I can neither enter into any dissertation upon the articles relating to this subject in that Review, nor upon the replies contained in the Tory periodicals, especially the Quarterly Review and Blackwood's Magazine; nor upon the way the subject was afterwards taken up by the Westminster, and Foreign Quarterly, and Journal of Education, &c., with the rest of the periodical press. Among the more unprejudiced but not so well informed foreign observers, we could name many tourists: yet none of them deserve attention here, except Niemeier and Spieker. Modern travellers often seem to think it their duty, to make displays of wit quite uncalled for, allowing their fancy to soar so high, that they scarcely condescend to meddle with sober truth at all. Many again, like Herr Von Raumer, know every thing by instinct, before they reach the spot. The following works however deserve to be

noticed, as affording unprejudiced and well-informed descriptions of the present state of things, without any polemical or apologetic intentions.

1. Alma Mater, &c. (noticed above, p. 530.) 2. Letters from Cambridge, illustrative of habits, studies, &c.; 1828. 3. Oxford as it is; by a foreigner of rank; 1834: (I am not personally acquainted with this work.) 4. Gradus ad Cantabrig., or a new University Guide; 1824: (this book introduces us to the Gownsmen's slang; — the reverse of the medal, the "low life" at the Universities.) There are several novels also of merit upon the Universities, that ought not to be overlooked; one of them at least we must mention here, namely, a novel by Lockhart, (too little known with us in Germany,) called "Reginald Dalton," which gives the most lively* description of English University life. The University Calendars, annually published, are indispensably necessary for a knowledge of the English Universities, and among the different "Guides" also, some will be found useful. Satirical descriptions of manners, &c. are delineated in such works as the "Oxford Sausage," &c., of which new editions are continually published; "Oxford Pluck Examination Papers," 1830; "Cambridge Jests and Witty Alarum," &c., 1700; "The Oxford Spy." The best standard for judging of the present state of the studies at the Universities, is found, first, in the "Examination Papers;" — (some of the Cambridge ones are printed and published: the Oxford ones are very difficult to be obtained;) — next, in the Text Books, and Books for "*Cramming*," &c.; but thirdly, we must not omit the printed Prize Poems. In conclusion, I subjoin a list of several polemical or apologetic writings published since the middle of the last century. Among the crowd of modern pamphlets, the more remarkable only have been noticed.

71. Christ. Angelus Encomium of the two English Universities. Greek and English. 1629. 4to.

* [Most English University-men will protest against the idea, that that novel can communicate the "sober truth" of things.]

72. Bentley. University of Cambridge vindicated from charges of disloyalty. 1710.
73. Thomas Wood. Some thoughts concerning the study of the laws of England in the two Universities. 1718.
74. Bagot. A Defence of the Subscription of the Thirty-nine Articles. 1788.
75. Jesse. Letters to the gentlemen of Oxford and Cambridge, on the Subscription, &c. 1788.
76. Lindley. Vindiciæ Priestleyanæ to the Students of Oxford and Cambridge. 1784. 8vo.
77. Russel. View of System of Education in Scotland; with an Appendix on Cambridge, &c. 1814. 8vo.
78. Literature and Science enforced in Cambridge. Wainwright. 1815.
79. Reply to Calumnies of Edinburgh Review against Oxford. 1816.
80. Coke. Reflections on the election of Chancellor of University. 1810.
81. Home Drummond. Observations suggested by the strictures of Edinburgh Review, on the University of Oxford. 1810.
82. Ed. Copleston. Hints to Young Reviewers, &c.
83. Second Reply to Edinburgh Review. 1810.
84. Examiner examined. 1812.
85. An inquiry into the studies, &c. adopted in the two Universities, as preparatory to holy orders in the Established Church, &c., 1824. (The confessions of a *candid* Tory!)
86. Remarks on the actual state of the University of Cambridge. 1830.
87. W. Whewell. On the principles of English University Education. 1837.
88. A. Sedgwick. Discourse on the studies of the University of Cambridge. 1833.

89. Daniel Walsh. Historical Account of the University of Cambridge, &c. 1837. (Several times referred to above.)

P.S. I have just received the first numbers of a "Cambridge Portfolio," which contains much that is new, instructive and amusing, but very little with regard to the earlier history of the University.

APPENDIX

TO

THE ENGLISH EDITION,

ADDED BY

JAMES HEYWOOD, F.R.S.

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1. *Historical Doubts, by Thomas Wright, F.S.A., on the Biography of Alfred, attributed to Bishop Asser; with remarks on the antiquity of the University of Oxford, from other writers.*

Since the publication of the original German edition of the English Universities, in 1839 and 1840, some important critical researches into the authenticity of the biography of King Alfred, which had been, until then, generally attributed to Bishop Asser, were communicated to Sir Henry Ellis, K.H, F.R.S., secretary of the Society of Antiquaries, by Mr. Thomas Wright, F.S.A.,* and were read to the Society in November, 1841. During the last year (1842), the paper by Mr. Wright on this subject was published in the Archæologia, and with the kind permission of the author, I am now able to add its main arguments in this place.

It will be seen, by a reference to vol. i. p. 373 of the present work, that the antiquity of the Oxford schools had engaged much of the attention of Professor Huber; but if the origin of the University of Oxford, from any scholastic institutions of King Alfred,

* Mr. Wright has been recently elected a member of the French Institute, and he has shown his great knowledge of the Anglo-Saxon period of English Literature, by preparing the biography of the literary characters of the Anglo-Saxons, as a part of the Biographia Britannica literaria.

be principally dependent on a biography of that monarch, compiled in the eleventh century, and professing to be a contemporary narrative, the University will probably have to trace the commencement of its connexion with royalty from a later date.

Some idea of the nature of the disputed biography of Alfred may be formed from the following account of it, by Lappenberg, in the introduction to his History of England (p. 48): — "A work of consequence for an important epoch of English history must here be cursorily mentioned, 'The Biography of King Alfred, composed by Bishop Asser.' Although no entire and good copy of this work appears to have come down to us, yet we can frequently restore it from the Chronicle of Florence of Worcester, who, for the most part, has transferred it verbally into his work. In Sir R. Cotton's library there was an old copy of the tenth century extant, which was not sufficiently valued, because it was noticed that many passages were wanting in it, which were extant in other manuscripts, although equally wanting in Florence's, and on this account it was declared defective.* Yet most of these passages, which are wanting, are to be rejected for their contents, especially the much disputed ones respecting the antiquity of the University of Oxford, first given in Camden's edition, even if their non-existence had not made the best manuscripts suspected of party spirit. These passages were first interpolated into the 'Biography of Alfred' at a later date, out of a work which has erroneously been named 'Asser's Annals.'† The Annals were derived from the Saxon Chronicle, Dudo's Norman History, various legends, Asser's Biography of Alfred, and some unknown sources, and can scarcely have originated before the eleventh century. An error of Leland, or rather of Gale, has also caused it to be supposed that these annals of pseudo-Asser received the title of 'Chronicon St. Neoti.'"‡

Anxiety to give the University of Oxford a British origin, and an extraordinary precedence over her younger sister of Cambridge,

* Edition, Parker, 1570. Camden, 1600 and 1603. Annales rer. gest. Alfredi auct. Asserio rec. F. Wise. Oxon. 1722-3, where the comparison with the Cottonian Copy is given.

† Printed in Gale Collect. vol. i., see page 339.

‡ See Wise's Preface and other places.

may have led to the interpolation of the passages referred to; but whether they were interpolated or not, the historical value of the biography of Alfred must be lessened, from the uncertainty of its authorship.

"No person," observes Mr. Wright, "can read Asser's life of Alfred, without observing, that it consists of two distinct parts; of a chronology of events arranged year by year, on which are next engrafted a few anecdotes of Alfred's private life and also a eulogy of his character. The first of these portions, which is the strictly historical part, will be found, on comparison, to be nothing more than a translation of the Saxon Chronicle."

Remarkable examples of this fact are alluded to, by Mr. Wright, in the entries for the years 867, 869, 870, 871, &c.; and he particularly instances the brief entry for the year 874, which stands, as follows, in the Chronicle, only in the Anglo-Saxon language.

A. D. 874. "Here went the army from Lindesse to Hreopedune, and there took its winter quarters, and *they drove over the sea the* King Burhred, about two and twenty years after he had the kingdom, and had overcome all that land. And he went to Rome, and there remained till his life's end, and his body lieth in St. Mary's church, in the school of the Angles. And the same year they gave to Ceolwolf, *an unwise thane of the king*, the kingdom of Mercia to hold, and he swore oaths to them, and gave hostages, that it should be ready for them *on whatever day they would have it*, and that he would be ready with himself, and with all that would remain with him, to be at the service of the army."

A literal translation, of Asser's Latin, in the entry for the same year, is as follows: —

"In the year of the incarnation of our Lord 874, and of the nativity of King Alfred 25, the above after-mentioned army leaving Lindissig, entered Mercia, and wintered in a place called Hreopedune. It also compelled Burghred, king of the Mercians, to leave his kingdom, and to *withdraw over the sea* and to go to Rome against his will, in the 22nd year of his reign. After his arrival at Rome, he did not long survive, but died and was buried

honourably in the school of the Saxons in the church of St. Mary, in expectation of the coming of the Lord, and of the first resurrection with the righteous. After his expulsion the pagans brought under their subjection the whole kingdom of the Mercians. However, on account of its miserable condition, they entrusted it to the keeping of a *certain unwise minister* of the king*, (whose name was Ceolwulf,) with the understanding, that on *whatever day they would have it* again he should peaceably resign it to them; in recognizance whereof he gave them hostages, and swore, that he would in no wise oppose their will, but be obedient in all things." Page 8.

Mr. Wright deduces from these two accounts, that one of them is taken verbatim from the other. "It is," he says, "improbable that Asser should be the original, because in his narrative the yearly entries contain many things which are irrelevant to the subject, and they have there a remarkable appearance of 'patch-work,' while in the Saxon Chronicle they are perfectly in their place, in entire harmony with what goes before and what follows.

"Now if these entries are taken from the Saxon Chronicle, it is impossible that they can have been written so early as 894, because by the most favorable supposition that has been hazarded on the antiquity of this part of the Chronicle, it was not composed before the beginning of the tenth century, and it is more than probable that it is a work of a later period.†

With regard to the other portion of the work, the biographical matter interwoven with the chronological entries, Mr. Wright does not consider that it embraces the kind of information to be expected from Alfred's friend and contemporary. "Let any one," says the critic, "read Eginhard's Life of Charlemagne, and compare it with the dry chronicles of the time, he will find facts told by the biographer with the vigour and spirit of a man who was

* "What Alfred calls the king's Thane is in Bede the king's Minister." Turner's Anglo-Saxons, vol. iii. p. 232.

† Mr. Wright does not think, that there is any substantial reason for attributing a part of the Anglo-Saxon Chronicle to Plegmund, and he adds, that even supposing the entries during the greater part of the reign of Alfred to have been contemporary, it is quite improbable that such a man as Asser should have used them in the way they are used in the "Life of Alfred."

active and interested in them, accompanied with vivid sketches and clear views of the policy and character of that great monarch. When we turn to Asser, we seem to have a writer who would fain imitate the biographer of the Frankish Emperor, but who only knows the history of his hero from one bare chronicle, and depends upon popular traditions for his views of his personal character.

"There is clearly much," continues Mr. Wright, "that is legendary and not historically true in Asser's account of Alfred. I am inclined," he observes, "to doubt the truth of the alleged neglect which, according to Asser, had been shown to Alfred's education in his infancy. We know that his father, King Ethelwolf, was an accomplished scholar; that he had been an ecclesiastic before he came to the throne; that his friends and advisers were ecclesiastics, such as Swithun and Alstan, the former of whom at least was a scholar; that he was a great patron of the clergy and of the Church; that Alfred (his favorite child) was twice carried to Rome before he was six years of age: — is it probable that under such circumstances the royal youth would be left to pick up his first scraps of learning after he was advanced beyond the common age of receiving such instruction, by the caprice of accident? or is it not much more likely that he derived the thirst for knowledge, which distinguished his after life, from the teaching and example of the learned men whom he had seen at his father's court?

"At page 5, the writer of the biography quotes the oral authority of Alfred, in a very ostentatious manner, for the story of Offa's wife, Eadburgha, which must have been familiar to the ears of every inhabitant of Alfred's dominions. Yet a little further on, when he arrives at one of the most important events of Alfred's life, his pretended destitution in the isle of Athelney, which one would suppose Asser must have had many occasions of hearing from the King's own mouth, all that he has to add to the words of the Saxon Chronicle he professes to take from a legendary life of St. Neot! I am aware [remarks Mr. Wright] that the passage relating to the adventure of Alfred with the neatherd's wife is considered to be an

interpolation, and that it was omitted in what appears to have been the oldest MS. But by giving up the passage omitted in the manuscript, we do not get rid of the allusion to the story, or of the reference to the authority of St. Neot's life, for the oldest MS. contained the words, 'And, as is related in the life of the holy Father Neot, that the King sought shelter in the house of one of his neatherds;' and there is, moreover, in this book, a second reference to the same authority. Now it is my opinion that no life of St. Neot existed in the time of the real Asser, but that the lives of that saint were first composed later on, in the tenth century, perhaps not till his name was made famous by the violent dispute about the possession of his relics, at the time of their felonious translation from Cornwall to Huntingdonshire, in the year 974.

"The second reference to the authority of the life of St. Neot also relates to what is perhaps a legendary part of Alfred's history, namely, the unknown disease under which he is said to have laboured. At page 12, the writer, with the life of St. Neot before him, states that he suffered under this disease from the twentieth year of his age until he had passed his fortieth year — 'and what, sad to relate, is worst of all, he incessantly suffered such a daily recurrence of it through so long a course of years, — from the twentieth year of his age to the fortieth and more;' — at which time, when hunting in Cornwall, he came to the shrine of St. Neot, where he humbled himself in prayer, and was miraculously and radically cured — 'but at a certain time, by the divine will, when he had gone into Cornwall for the sake of hunting, and had turned aside to pray in a certain church, in which St. Gueryr, and now also St. Neot reposes, he was relieved . . . . Having finished his prayer he resumed his journey, and not long after, as he was engaged in prayer, he felt himself divinely cured of that disease, so that it was *entirely eradicated.*' Yet, after so explicit a statement that the King had been cured of his disease, we find the writer a little further on, at page 17, asserting that he still laboured under it at the time the book was written, and that he had never experienced even a short intermission of relief. — 'For from twenty years of age to forty-five, *which he now is*, he has been incessantly

troubled with the severest harassing by an unknown disease, so *that he has no security for one hour*, that he shall not have an attack of the disorder, or is not disheartened by the dread of its recurrence.' I can with difficulty be brought to believe that King Alfred's friend, Bishop Asser, could have made so much confusion.

"With the few contemporary documents preserved from the ravages of time, it is impossible to test in a satisfactory manner the historical accuracy of the account of Alfred, which we owe entirely to the writer of this book. I think it would not be difficult to point out one or two passages which are of a kind to excite suspicion, but I will only mention one. Under A. D. 877, Asser says, 'Then King Alfred commanded boats and galleys, that is, *long ships*, to be constructed throughout the kingdom.'—I suspect that this is an allusion to the *long ships* which Alfred caused to be constructed, not in 877, but in 897, (as we learn from the Saxon Chronicle,) long after the book from which we are quoting is supposed to have been written. I would add, that I think I can sometimes detect the writer forgetting his assumed character for a moment, and speaking of things as though he were living long after the time at which they occurred. At the period when the book is pretended to have been written, Alfred must have been occupied in the midst of all the reforms he was introducing into his kingdom, and particularly those which affected the administration of justice. I can hardly think that a person writing at the time, and avowedly closing his work with that time, and, moreover, *addressing it to Alfred himself*, would have written thus:—'For *that King was* a most discreet and diligent inquirer into all trials at law which were carried on, as well as in all other affairs; for he sagaciously investigated all the verdicts throughout nearly the whole of his kingdom which were delivered in his absence, as to their merits,' &c. I think it impossible that a person would speak of a King of the country in which he was writing, during his reign, and in a work addressed to that King, as '*that King*' (rex ille). It would be used rather by a person who was speaking of a King long since dead, and who would distinguish him from those who came before or after him.

"Many of Asser's anecdotes are not only evidently legendary, but they are extremely puerile. When we are expecting some remarkable proof of the great genius of Alfred, this writer tells us seriously that the pious monarch, long grieved that the candles offered in his churches should not burn steadily, because the wind penetrated through the crevices of the doors and windows, and caused a current of air in the interior, at length hit upon the *wonderful* idea of making horn lanterns to put over them!—'He considered how he could hinder such currents of wind, and with *cunning* and *wise* device he ordered a lantern to be very beautifully constructed of wood and the horns of oxen. *For the horns of an ox when white, and scraped thin with an axe, are not less transparent than glass.* Which lantern therefore being, as we have said before, *wonderfully* made of wood and horn, and a candle being put into it at night, shone as brightly externally as internally, without being troubled with currents of air, because he had likewise ordered a door to be made of horn for the lantern.'

"There is another remarkable circumstance connected with Asser's narrative,—he says nothing of Alfred's writings. Yet it was probably between 890 and 894 that the King translated the Pastorale of St. Gregory into Anglo-Saxon, and distributed it among his bishops, in the preface to which work he says he translated it 'sometimes word for word, sometimes meaning for meaning, even as I learnt them of Plegmund my Archbishop, and of *Asser my Bishop*, and of Grimbold my Mass-priest, and of John my Mass-priest.'

"It is clear from what has been just said, either that Alfred's translation of the Pastorale was made after the year 894, or that the writer of Asser's Life of Alfred believed such to have been the case, for it is not possible that, if Asser's book be authentic and the Pastorale had been translated before the time in which it was written, Asser should have been ignorant of so important a circumstance. Now Asser (pp. 18, 19.) gives the story (which appears to have been prevalent at a later period, as it is alluded to under different forms by historians of the twelfth century) of the murder of John the 'Presbyter' by some of his monks, after he had been

made by Alfred Abbot of Athelney; and he introduces it as a thing which had occurred some time before — ('the deed also which was perpetrated *at that time* in the same monastery I shall consign to oblivion in mute silence . . . . . for *at that time*, with diabolical instinct, a certain priest and deacon . . . . . they keep themselves exceedingly secret so much *were they embittered* against his abbot, the aforesaid John') — and which he was going out of his way to mention. Yet Alfred himself, in the passage above quoted from the preface to the Pastorale, speaks of the same John as being not only alive then, but as being a simple Presbyter, and not an abbot (my 'mass-priest' not 'my abbot'). This appears to me sufficient in itself to destroy our faith in the book, and I have no doubt if we had contemporary documents of the proper kind we should find numerous similar mistakes. I am inclined to think that the story concerning Alfred's school for the children of the nobles, where they were to be instructed in the English and Latin languages, (Asser, p. 13.) had no other foundation than the words of the king in the same preface — 'Therefore it appears to me better, if it appear so to you, that we also have some books, which are judged most needful for all men to understand; that we translate them into that language which we all know; and bring to pass, as we very easily may, with God's help, if we have quietness, that all the youth that are now in the English nation of free-born men, who have the means to maintain them, may be set to learning, while they are capable of no other occupation, *until first they know well to read English writing. Let those be afterwards taught further in the Latin tongue*, whom one will teach further, or one designs for a higher degree.' We have here an indirect recommendation of a certain mode of instruction, which was to be the result of the English translations of Latin books, but no indications of any schools having been established for the purpose.

"We are accustomed to consider Asser as having been made by Alfred, Bishop of Sherborne, (though this is not stated in Asser's work.) It is rather singular that the original copy of Alfred's translation of Gregory's Pastorale in the Public Library of the University of Cambridge (apparently the one from which Matthew

Parker printed the introduction) is addressed to Wulfsige, Bishop of Sherborne, although in the same introduction Asser is spoken of as being a Bishop. Perhaps the Asser of history was made Bishop of Sherborne towards the end of Alfred's reign, or in that of his successor, having previously been bishop of some other see. The list of the Bishops of Sherborne in Godwin is confused; a better list is found in the Cottonian Manuscript, Tiberius B. v., written about the year 993, where they stand thus: Ealhstan, Heahmund, Æthelheah, *Wulfsige*, *Asser*, Æthelweard, Waerstan, Æthelbald, Sigelm, Ælfred, Wulfsige, Alfwold, Æthelsige. The Saxon Chronicle gives us the bare statement that Asser, Bishop of Sherborne, died in 910 (nine years after King Alfred).

"I think that the writer of the book (supposing it to be a forgery) did know that Asser was a bishop, although his information is not easily reconciled with history. After giving a somewhat ostentatious and suspicious account of the favors which he had received from Alfred, and telling us that the King made him in one day Abbot of the two Monasteries of Angresbury and Banwell, at the same time promising greater gifts at a future period, he adds, that the King afterwards gave him 'Exeter, with the whole *parochia* which appertained to it in Saxony (Wessex) and in Cornwall.' p. 15. I believe that among the Anglo-Saxon writers the word *parochia* (our *parish*) was used invariably (according to its Greek root) to signify an episcopal diocese;* and that Asser, or the person who took on himself to represent him, intended to say that the King made him Bishop of Exeter. I am not aware that there was a Bishop of Exeter before the reign of Edward the Confessor, when (about A. D. 1049) the see of Crediton was removed to

* "Thus, to quote the first example which comes to hand, the list of Bishops of the end of the tenth century in MS. Cotton. Tiber. B. v. it it is said of Wessex, 'It is divided into two *dioceses (parochias)*; one the church of Winchester, the other of Sherborne .... The church of Winchester was divided into two *dioceses (parochias)* in the time of Fridestan .... then it was divided into three *dioceses (parochias)* the churches of Wilton, Wells and Crediton ..... The province of Mercia had *two bishops*, Headda and Wilfrid, after that Wilfrid elect and Headda aforesaid ruled both *dioceses (parochias)*' &c. see Reliquiæ Antiquæ, vol. ii. pp. 169, 170, where this valuable document is printed."

Exeter by Leofric. I at first thought that the book of which we are speaking might have been fabricated towards the end of the tenth century; but the mistake just pointed out would bring it down as low as the reign of the Confessor. At either of these periods, traditionary anecdotes of King Alfred (the "darling of the English," as he is called in the popular poetry even of the twelfth century) must have been very abundant, and in everybody's mouth. At both periods it may have had a political use, either as intended to encourage the Anglo-Saxons in resisting the Danes, or in supporting the English party, headed by Earl Godwin, against Edward's Norman and French favorites. For this purpose, some monk appears to have conceived the idea of forming a life out of the traditions, and to have taken for his ground-work a copy of the Saxon Chronicle (perhaps mutilated, and ending with the year 894) and the legendary life of St. Neot; and, in order to give greater authority to his book, he pretended that it was written by Alfred's friend, Asser. This would also account for the writer's dwelling so much on Alfred's patriotic love for the popular poetry of his native land; which must have been a peculiarly gratifying theme to the Anglo-Saxons in the tenth and eleventh centuries. The writer's ignorance with regard to the see of Exeter is not greater than several historical blunders in the life of St. Neot. There appeared another edition of the life of Alfred, with the addition of the translation of the entries of the Anglo-Saxon Chronicle previous to Alfred's birth, and a short continuation from the same source. It was printed by Gale, and goes under the name of Asserii Annales; but its more proper title is said to be the Chronicle of St. Neot's, it having been written there. This circumstance, and the use made of the life of St. Neot,* lead me to suggest that the writer of the life of Alfred was a monk of that house. It does not appear, on an investigation of the subject, that any person has ever seen a MS. of Asser which can safely be assigned to an earlier date than the eleventh century.

"These are the grounds on which I have been led to suspect the

* "Leland mentions the Chronicle alluded to and two different Lives of the Saint, as being in the library of St. Neot's in Huntingdonshire."

Life of Alfred attributed to Asser. It is a subject which requires further investigation; and I have too much diffidence in my own reasoning to venture to quote the book as other than authentic, until they be confirmed by the opinions of better scholars than myself."

Lappenberg states, in his history of England, p. 336, that, at the time when Alfred commenced his reign, very few of the clergy to the south of the Humber, and none to the South of the Thames, could be found, who could translate a Latin work; this condition of ignorance, the historian traces to the effects of the Danish wars, when so many monasteries with their libraries and treasures were burnt.

Alfred is very properly praised, by the same writer, for his love of learning, and his efforts to promote education, and the contested passage, respecting Grimbold and the antiquity of the University of Oxford is referred to, after which Lappenberg adds: —

"This account, however, is only to be found in Camden's printed copy of Asser's Life of Alfred, the manuscript of which is unknown. The older edition of Parker, the manuscript of which was lost by the burning of Sir R. Cotton's library, does not contain the passage in question. As, however, both editions first appeared in the reign of Queen Elizabeth, while a fierce dispute was going on about the relative antiquity of the Universities of Oxford and Cambridge, it is very doubtful whether one editor omitted the passage in question, or whether the other inserted a forgery. The circumstance that none of the authors who are accustomed to follow Asser so closely, contain a trace of this account, as well as many internal grounds speak for the latter view."*

A curious old manuscript dissertation on the origin of the University of Oxford is preserved in volume 338 of the Tanner MSS. in the Bodleian Library, of which an English translation may perhaps be interesting to the reader, who is desirous to obtain information respecting the works in which the name of Alfred was formerly associated with the University.

* Lappenberg. Geschichte von England, vol. i. p. 339.

This dissertation, being found among the Tanner MSS., may possibly have been drawn up in the time of Bishop Tanner, and if so, its date would be about the commencement of the last century, for the bishop was born in 1674, and died in 1735. It contains two separate assertions; the first, that it is not certainly agreed upon, from the most ancient and indisputable histories, whether King Alfred founded the University of Oxford or not; and the second, that, on the authority of later historians, it is to be asserted, that Alfred did found the University of Oxford.

Under the first assertion, and without being aware of the doubts of recent historical criticism, the writer, very naturally for his day, begins with a reference to John Asser, Bishop of Sherborne, who, he says, wrote an abridged life of Alfred, in the Annals of Britain, and one at greater length in the book concerning the actions of Alfred, but never mentions the University of Oxford in either work, or alludes to its foundation, although he lived in the time of Alfred, and was the familiar friend of that monarch. "But it is altogether incredible," continues the writer, "that Asser should have omitted to mention such a memorable act of Alfred, as the first founding of the University, especially as it is represented to us in the Chronicle of the New Monastery of Winchester, and also by John Ross, where so many celebrated Professors are individually enumerated in separate faculties. Neither is it likely that Alfred was himself present at the foundation, and that Asser purposely omitted the whole account; although the latter was himself a distinguished Professor, and has recorded, at great length, many facts of much less importance, such as the privileges which Alfred obtained from Pope Marinus for the school of the Anglo-Saxons at Rome, and the school which he founded in his own palace. Ethelward Patricius, sixty years after, took up the history of Asser. He gives a full and accurate account of the deeds of Alfred in the third chapter of the fourth book. Under the year 885, he mentions the liberty which Pope Marinus granted, at the request of Alfred, to the English school at Rome; but he makes no mention of Oxford, or of any school being either founded or restored there by Alfred.

"Ethelward was followed by Ingulf, the abbot; but although he studied in his youth at Oxford,* and relates at considerable length the actions of Alfred, he neither mentions Oxford nor makes any allusion to the University being founded there or restored by Alfred; and when he mentions the learned men who had been invited from foreign countries by Alfred, he adds, that after the King had detained them for a time in his own palace, to instruct him in sacred literature, he promoted them to different prelacies and dignities. Hence, he says, St. Grimbold was made abbot of the New Monastery of Winchester; John, commonly called the Scot, was appointed prelate of his own Monastery of Atheling. He next mentions Athelstan, Wexulph, Phlegmund, and Asser, men of profound learning, who lived on terms of the closest intimacy with the King. All these abode for a considerable time in the palace, and the King took advantage of their society and learning to make himself a sound and accomplished scholar. This is asserted on the authority of Ingulf. Here, then, is a profound silence on either the foundation or the restoration of the school at Oxford, which might very properly have been mentioned with its first professors. But neither Marianus Scotus, nor William of Malmesbury, Florence of Worcester, Alfred of Beverley, Henry of Huntingdon, Geoffrey of Monmouth, William and Ealred of Rievaulx, Symeon of Durham, Richard of Devizes, Richard [Haugulstadiensis], Roger de Hoveden, nor any of our historians for four hundred years and more after the time of Alfred mention him either as the founder or restorer of the schools of Oxford; neither is he spoken of as such, by Roger of Cirencester, a monk of Westminster, who, in his Historical Mirror, B. 3. p. 8, gives a full account of the acts of Alfred, expressing himself, for the most part, in the very words of Asser.

* This statement was probably derived from the Chronicle of Ingulf, which, according to Professor Huber, (vol. i. p. 385,) is considered by Lappenberg to be possibly itself a later compilation of multifarious materials, although the genuineness of the passage there referred to, is not especially doubted, but on this point, Mr. Hallam, in his History of Literature, (vol. i. p. 12,) says, that the history of the University of Oxford before Henry II. is but obscure, and "depends chiefly on a suspicious passage in Ingulfus, against which we must set the absolute silence of other writers."

Indeed I am not aware that any historian, previous to Ranulph of Chester, can be found, who mentions, as a fact, that the University of Oxford was founded or restored by Alfred, or that its scholars were supported by his munificence. When this opinion had been once delivered, all who followed confidently repeated the same assertion, walking, for the most part, in the same steps, and using almost the same words, with very little regard to the truth or accuracy of their statement. Ranulph lived about A. D. 1363."

Having thus discussed the first division of his subject, the writer of the dissertation gives his second assertion, "that, although we may say, on the authority of later historians, that Alfred founded the University of Oxford, yet it is to be asserted, from the statement of the same parties, that he did not restore that University, but that he originally founded it."

Ranulph of Chester, who wrote about 500 years after Alfred, is related to have said in the 6th Book of his Polychron., that "Alfred was the first who founded public schools at Oxford, for various arts," and nearly the same account of the foundation of the University is referred to, from an anonymous writer in the Oxford library. John Brampton is the next author cited, who, in his Historia Fornalensis, says, in the Life of Alfred:—

"Wherefore, with the advice of the abbot St. Neot, whom he was in the habit of frequently visiting, he [Alfred] *first founded* public schools for various arts at Oxford, on which he caused many privileges to be conferred."

The writer then quotes the Annals of the New Monastery of Winchester, which record that, "in the year 886, the second year after the arrival of St. Grimbold in England, the University of Oxford was commenced; the first who presided, and read divinity lectures in it were St. Neot, an abbot and able divine, and St. Grimbold, a most excellent professor of the incomparable sweetness of the sacred pages; Asser the monk, an eminent and accomplished scholar, was professor of grammar and rhetoric; and John the monk, colleague of St. Grimbold, gave lectures in logic, music, and arithmetic, in the presence of the most glorious and invincible King Alfred, whose memory will dwell, like honey, in the mouths of all."

The writer thus continues; "the History of Cænobius of Glastonbury, on the antiquity of Glastonbury, falsely ascribed to Geoffrey of Monmouth, asserts that 'Alfred, by the advice of St. Neot the abbot, *first founded* public schools for various arts at Oxford; he sent also Ambassadors to Rome, to request Pope Marinus, that he would deign to grant to the English school the same liberties which he had granted to the one at Rome.' The holy father granted his request, without any hesitation, and the King granted many privileges to the University.

"John Ross, in his book 'On the Kings,' says, 'He, [Alfred,] among other praiseworthy acts of magnificence, *instituted*, by the advice of St. Neot the abbot, public schools for various arts at Oxford, in the year 874;' and soon after he says, '*At the first foundation of the aforesaid University*, the noble King Alfred himself appointed within the walls of the city of Oxford at his own expense teachers in grammar, in arts, and . . .' Thomas Gray, in his Life of Alfred, written in French, in the 'Scala Chronica,' says, that 'Alfred caused the University of Oxford to be established.'

"So also Polydore, Leland, and others assert.

"A letter of the University of Oxford to Humphrey, Duke of Gloucester, states, that with the exception of Alfred, of most blessed memory, the founder of this fostering University, none ever conferred so great a benefit.

"It is certain from the early books of the Bedells, that, when the Oxonians were accustomed to pray for their benefactors, they used the following form: — 'We pray for the soul of King Alfred, the first founder of this University.'

But it has been objected, that in the best manuscript copy of Asser, which William Camden used, and from which the Frankfort edition was printed, mention is made of a serious quarrel, which arose at Oxford, between Grimbold and the learned men who had accompanied him on the one side, and the old scholars whom he had found there on the other. Hence, therefore, on the testimony of Asser, it would follow, that Alfred did not originally institute schools at Oxford, but that he restored and revived them.

To this objection, the writer answers: "That it is very properly doubted whether the passage which is quoted by Camden in his Britannia, when he is treating of the University of Oxford, was ever written by Asser, and, that it appears indeed to have been fraudulently tacked* to his history.

"For, 1st, in many of the most faithful manuscript copies, the whole account of the quarrel at Oxford is wanting; and this not only in the copy which Matthew of Canterbury used, but also in all the copies which Leland saw, if indeed he means to imply that Asser mentioned the ford of the Isis.† It is also wanting in all the copies which were used by those historians who fix on Alfred as the first founder of the University of Oxford, and whose names we mentioned above in our second assertion on the antiquity of Oxford. For it is not likely that they would have assigned the foundation of the University to Alfred, if they had found in Asser, his cotemporary and friend, as well as the best and earliest historian of his life, a passage which clearly proves that he was only the restorer of the school, and not its original founder. Add, too, that it is altogether improbable that the earlier historians who followed Asser, viz.: Ethelward, Ingulf, Marianus Scotus, Florence of Worcester, and the rest, for a period of four hundred years or more from the time of Asser, whose names we mentioned above in our first assertion on the antiquity of the University of Oxford, should have been altogether silent on the restoration of the University by Alfred and the quarrel between Grimbold and the old scholars, if they had really read this passage in the copies of Asser. For these reasons it is probable, that hardly any other manuscript copy exists or has existed, than the one which Camden mentions, and in which this passage is found; it is therefore credible that the passage was dishonestly inserted.

2. "Is it to be believed, that a foundation or restoration so celebrated as that of the University of Oxford, such as we have described from the Chronicle of Winchester, and by Ross, would have been passed over in silence by Asser, who undertook to write a particular account of all the acts of Alfred, and who, if we attach

* Malâ fide assuta. † Comment in Cygn. Cantionem.

any credit to the aforesaid Chronicle and to Ross, was himself one of the chief professors of the University? for he must have mentioned it before he mentioned the quarrel, if he had had any plan of writing a correct history.

3. "It is scarcely credible, that the old scholars would have alleged, in a serious contest with Grimbold, those fables about Gildas, Melkin, Nennius, and Kentigern growing old in their studies at Oxford, when they could have been so plainly refuted from the history of the lives and actions of the same individuals. For none of the early writers said that Gildas grew old at Oxford. He was a monk of Bangor, and afterwards travelled into Ireland; on his return, he set out for Rome, and led a hermit's life for a period in the island of Sabrina. Having left this island, he went to Glastonbury, and abode there for some time. After this, he lived, as a recluse, in the neighbourhood of Glastonbury; there he died, and was buried at Glastonbury in the year of our Lord 512. This account of him is taken from Caradoc of Lancarvan and Capgravius. Melkin also spent his old age at Glastonbury. Kentigern lived at Glasgow, in Scotland, and not at Oxford; he was promoted to the bishopric of Glasgow in the 25th year of his age, and continued the bishop for one hundred and sixty years, according to the account of John Capgravius, who wrote a life of Kentigern. Lastly, Ninnius, or as Bede writes his name Nynias, (Book iii. c. 5,) or as others, Ninianus, was a Briton, who, according to Bede, was regularly educated at Rome in the faith and the mysteries of truth; afterwards he preached the Gospel to the Southern Picts; he was made Bishop of Galloway, and according to the testimony of Bede, died, and was buried at Candida Cassa (or Whithorne). How, then, could he have grown old in his studies at Oxford?

4. "With reference to the foundation or restoration of the schools at Oxford by Alfred, nothing is found in Asser; nor would any thing else be implied by Leland, if the school in which Alfred caused his younger son, Ethelward, to be liberally educated, with all the noble youths of nearly the whole kingdom, as well as with many of more humble birth, was held within the walls of the palace, or of the King's court; and this is clear from the account of

Asser, in the year 884; p. 13. edit. Franc. lin. 45, where he says, 'The sons of the nobles were brought up in the King's family,' or as Roger of Cirencester says, 'within his palace.' To this school he appropriated every year the seventh part of his annual income, or, as Asser says, the seventh part of all the revenues which came to him every year from the general taxation, and which were paid into the exchequer — observe to *this* school, not to the one at Oxford; and this I assert in accordance with the meaning of Asser, and of those early historians who act as commentators on Asser. Ranulph was the first, or, at least, was one of the first, who recorded that this sum was appropriated to the school at Oxford."

Perhaps, the silence of Domesday Book, with respect to any University at Oxford, at the time of that survey, may be of some influence, in proving the probable non-existence of that University, even in 1066. Dr. Ingram states, in his Memorials of Oxford,* that the long-established importance of Oxford is sufficiently proved by the statistical description of the town, its walls, its mural mansions, its "domus hospitatæ," &c., in the Domesday survey, but although he says, that the good King Alfred has been generally considered as the restorer rather than the founder of the University, he contents himself with attributing the loss of earlier records to the ravages of the Danes, and adds, that some of the most venerable churches of Oxford are incidentally noticed in Domesday Book, and that the landed property of the canons of St. Frideswide is there mentioned, "which never belonged to any hundred." The inhabitants of Oxford appear, according to Ayliffe,† to have been so much impoverished at the time of the Conquest, that many of them were not able to pay the tribute, although previously they had paid various duties to their former kings; there were then 750 houses, besides 24 mansions on the walls in Oxford, and of these 500, or nearly two-thirds, were unable to pay tribute. Oxford was at that time anti-Norman, for the chieftain to whom King William granted that part of the country, was obliged by the Conqueror to build a castle on the west side of the city, fortified with large

* Memorials of Oxford. Schools. Vol. ii. p. 2.

† Ancient and present state of the University of Oxford. Vol. i. p. 21

trenches and ramparts in order to repress the insolence of the inhabitants, and the neighbouring villages.

Mr. Hallam, in the History of Literature, (vol. i. p. 16,) condenses the whole controversy on the origin of the University of Oxford into a few words, when he says of the University of Paris: —

"The commencement of this famous University, like that of Oxford, has no record. But it owes its first reputation to the sudden spread of what is usually called the scholastic philosophy."

In the same chapter, this impartial historian states of Paris, that the University created patrons, and was not created by them, and he is evidently disposed to give very little credence to the foundation of the University of Oxford by what he terms the "prophetic munificence" of Alfred.

Giraldus Cambrensis, is considered by Mr. Hallam, to have been, about 1180, the first unequivocal witness to the resort of students to Oxford as an established seat of instruction, and it is certain, he continues, that Vacarius read lectures there on the civil law, in 1149, which affords a presumption, that it was already assuming the character of a University at that time.

In his account of Universities, Mr. Hallam places Oxford second only to Paris, in the thirteenth century, for the multitude of its students and the celebrity of its scholastic disputations; he explains the principle of the schoolmen to have been "the expanding, developing, and, if possible, illustrating and clearing from objection, the doctrines of natural and revealed religion, in a dialectical method, and by dint of the subtlest reasoning." Scholastic philosophy was probably one of the principal founders of the University of Oxford, and the arts and subtleties of scholastic disputation were so successfully taught there, that England, in the words of Mr. Hallam, "especially through Oxford, could show more names of the first class in this line, than any other country."

As to any real connexion of Alfred with the University of Oxford, modern criticism may now probably be satisfied with the scholastic origin of the University, either at the end of the 11th, or

at the beginning of the 12th century, and the subsequent accounts of an Anglo-Saxon regal foundation must be considered as mythical narrations.

If the disputed passage, respecting Grimbold and Alfred, were not interpolated by Camden, it may have formed a part of the flattering legends of Oxford, which were either compiled or invented long after the time of Asser;—and with this conclusion the tone of the passage* itself will correspond, when it speaks of the blessed Gildas, &c., who had grown old at Oxford in letters, and had administered affairs there in peace and concord, and of the blessed German, who had come to Oxford, and had resided there half a year, while travelling about Britain, to preach against the Pelagian heresies, and who had admired their ordinances and institutions beyond all measure.

The traditionary account of the origin of the University of Cambridge, by monks from the University of Orleans, at the commencement of the 12th century, appears to have excited some doubts in the mind of Professor Huber,† on account of the text books mentioned in it, which could not have been in use at the supposed period of the foundation, and the Dean of Ely, in his observations on the Statutes of the University of Cambridge, (p. 15,) farther notices, that the course of studies, (including Rhetoric and Logic,) which was said to have been pursued at that time, would have more properly characterized the beginning of the fourteenth than of the twelfth century. Hence the origin of the University of Cambridge probably has no record.

* Vol. i. p. 376. † Vol. i. p. 62.

2. *On the Foundation Statutes of Corpus Christi College, Oxford, and the obligations of the University of Oxford to the Commissioners of King Henry VIII., for the promotion of Classical Learning.*

Professor Huber, in the first volume of this work, page 231, describes the foundation of Corpus Christi College, Oxford, by Bishop Fox, as expressly established for the promotion of classical learning, and it is certain, that Classics did give to this College its early reputation, so that of the three College lecturers on Greek, Latin, and Theology, the first two only seem to have been maintained.

Bishop Fox gave his statutes to his college, in 1517, and he died in 1528. A few years afterwards, probably in 1535, at the visitation of the University and Colleges, under Henry the Eighth, Dr. Layton, one of the visitors, thus wrote to the chief secretary, Cromwell, that in Corpus Christi College, "we found two lectures established by the founder; one in Greek, another in Latin, public for all men thereunto to have concourse." He does not mention any divinity lecture at that time in that College.

Three lecturers were, however, ordained in the old statutes, one of Latin, the second of Greek, and the third, whom it was said to be requisite for the others to obey, was to be a Reader in Sacred Divinity, a study which, the bishop continued, he had ever held to be of such importance, that he had constructed his College for its sake, either wholly or principally.

A pleasing simile was kept up in these statutes, by comparing the College to a bee garden, and the lecturers to gardeners, or herbalists. The students were of course the bees, and, in the chapter on the public lecturers, the founder began with a direct reference to the bees themselves, and then stated his resolution to appoint three herbalists in his College, for the honour of the English name, and the praise of God.

The statutes of Corpus Christi College have been recently translated into English, by Mr. Ward, M.A., of Trinity College, Oxford;

and from this work, the following description of the lecturers as they were intended to be instituted, three hundred years ago, will explain some of the plans of the founder with respect to public instruction:

"Chapter xxii. — *Of the Public Lecturers.* — The bees make not honey of all flowers without choice, but from those of all the sweetest and best scents and savours, which are tasted and distinguishable in the honey itself; hence the kinds of honey in different regions are various, according to the diversity of the flowers, and neither Britain, Attica, or Hybla can produce honey, so long as the honey-bearing flowers are far away. We therefore are resolved to constitute within our bee-garden for ever, three right skilful herbalists, therein to plant and sow stocks, herbs, and flowers of the choicest, as well for fruit as thrift, that ingenious bees swarming hitherward from the whole gymnasium of Oxford, may thereout suck and cull matter convertible not so much into food for themselves, as to the behoof, grace, and honour of the whole English name, and to the praise of God, the best and greatest of beings.

"Of the above three, one is to be the sower and planter of the Latin tongue, and to be called the Reader or Professor of the Arts of Humanity; who is manfully to root out barbarity from our garden, and cast it forth, should it at any time germinate therein; and he must, on all common days and half-holidays throughout the year, during an entire hour, or a little more, beginning at about eight o'clock in the forenoon, publicly lecture in the Hall of our College, or elsewhere at some public place in the University, if it seem good to the President and a majority of the seven Seniors, and clearly interpret some part of the underwritten authors; namely, on Mondays, Wednesdays, and Fridays, Cicero's Epistles, Orations, or Offices, Sallust, Valerius Maximus, or Suetonius Tranquillus, at the will of the President and Seniors. But when his hearers have made such progress in the above authors, that they wish and are able to mount to higher things, and it seems good to the President and Seniors, and the majority of the auditors also, then we permit Pliny, that luminary

in natural history, Cicero De Arte, De Oratore, or De Partitionibus, the Institutio Oratoria of Quinctilian, or The Declamations, or some such exalted writer to be read and explained in the room of the above-mentioned authors and works. But on Tuesdays, Thursdays, and Saturdays, Virgil, Ovid, Lucan, Juvenal, Terence, or Plautus are to be explained by him. And on every feast day in the afternoon, at any hour to be assigned by the President and Seniors, at a full meeting of all, he is publicly to read and explain Horace or Persius. Nor, however, do we forbid him to change these lectures, with the consent of the President and Seniors, and to explain on consecutive days what we have hinted at for reading on alternate days; and, besides, to interpret on the same day some part of a poet, together with an orator. Furthermore, three times during every week of the year, and four times only at his own election, during the excepted periods of the vacations, on days and at hours to be limited by the President and Seniors, he is to read privately, in some place of our College to be appointed by the President, to all of the household who wish to hear him, either the elegancies of Laurentius, Vallensis, or the Attic Lucubrations of Aulus Gellius, or the Miscellanies of Politian, or some such author, at the pleasure of the President and the majority of the auditors.

"But the second herbalist of our apiary is to be, and to be called, the Reader of the Grecists and of the Greek Language; whom we have placed in our bee-garden expressly, because the Holy Canons have established and commanded, most suitably for good letters, and Christian literature especially, that such an one should never be wanting in this University of Oxford, in like manner as in some few other most famous places of learning. Nor, yet, for this reason would we have those persons excused, who ought at their own charge to support a Greek Lecturer therein; but this Lecturer of our's is, on all common or half-holidays throughout the year, publicly to read, and clearly to explain, beginning at ten o'clock in the forenoon, or a little earlier, some portion of two of the underwritten authors, for an entire hour, or somewhat longer, in the Hall of our College. He is, therefore, to

read on Mondays, Wednesdays, and Fridays, some part of the Grammar of Theodorus, or some other approved Greek grammarian, together with some part of the speeches of Isocrates, Lucian, or Philostratus; but on Tuesdays, Thursdays, and Saturdays, he is to read Aristophanes, Theocritus, Euripides, Sophocles, Pindar, or Hesiod, or some other of the most ancient Greek poets, together with some portion of Demosthenes, Thucydides, Aristotle, Theophrastus, or Plutarch; but on holidays, Homer, the Epigrams, or some passage from the Divine Plato, or some Greek theologian. Also, thrice every week, and four times only at his own option during the excepted periods of the vacations, he shall read privately in some place of our College, to be assigned for the purpose by the President, some portion of Greek Grammar or Rhetoric, and also of some Greek author rich in various matter, to all of the household of our College who wish to hear him; and, moreover, he is equally often to examine the hearers of the public Lecturers of our College, who are presently designated below, a little before eight o'clock in the afternoon, or at some other hour, the most convenient in the judgment of the President and Seniors, for the space of half an hour; and any person who contemptuously refuses to undergo examination, or is found guilty of negligence, evidenced by a want of improvement, on the testimony of the Reader and one other Fellow, is to be punished, according to the form given below in the chapter concerning the withdrawal of commons. And we will that each of the Lecturers shall, before the President or Vice-President, in the presence of two of the Senior Fellows of our College, make his corporal oath, on touch and inspection of the Holy Gospels of God, faithfully and diligently, so far as concerns himself, to fulfil with all his might all the above particulars. Nevertheless, we allow, that on reasonable cause, to be first approved of by the President, or, in his absence, by the Vice-President and the majority of the seven Senior Fellows of our College, the two Lecturers above-mentioned, during thirty days continuous or at intervals, may during the vacations without the substitution of any person, and for every urgent cause, first approved of by the above persons, even in term time be absent for the same space, or

rest from their public lectures, so only as they substitute others, competent in the opinion of the persons above-mentioned, who are either to continue the same lectures, or at least others to be assigned by those persons. But all the Fellows, Scholars, and Students, of our College, even the Masters not being Divines, who are present in the University, are to hear throughout these public lectures, as well Greek as Latin, in the order above given. And whosoever shall be absent from any one of these lectures, or not present as soon as any one of them is begun, and does not remain till its conclusion, without a fair reason, first approved of by the President or Vice-President, and the Dean of Arts or his deputy, or if the party be the Dean of Arts, then by the Dean of Divinity or his deputy, or at least to be approved of on the same day, shall be punished in the same manner as if he had been absent on a feast day from the divine offices.

"Lastly, a third gardener, whom it behoves the other gardeners to obey, wait on, and serve, shall be called and be the Reader in sacred Divinity, a study which we have ever holden of such importance, as to have constructed this our apiary for its sake, either wholly, or most chiefly; and we pray, and in virtue of our authority command all the bees to strive and endeavour, with all zeal and earnestness, to engage in it, according to the Statutes. This our last and divine gardener is, on every common or half holiday throughout the year, beginning at two o'clock in the afternoon, publicly to read, and profoundly to interpret in the Hall of our College, during an entire hour, some portion of Holy Writ, to the end that those wonder-working jewels which lie remote from view and latent, may come forth to the light; and this is to be done with the exception of eight weeks only, that is, three about Christmas, two at Easter, one at Pentecost, and two in Autumn, during which we, by these presents, give to the President, and the majority of the seven Senior Fellows, the power of dispensing with his reading. Nevertheless, we do not forbid that on very urgent cause, first approved of by the persons above mentioned, he may, even in term time, be absent for a little while, or forbear to lecture; provided only he substitutes

some other person of competence, in their judgment, who meanwhile is either to carry on the same reading, or at least some other, to be assigned by the parties above mentioned. But in alternate years, that is, every other year, he is to read some part of the Old Testament and some part of the New, which the President and the major part of the Seniors appoint; and he must always in his interpretation, as far as he can, imitate the holy and ancient doctors, both Latin and Greek, and especially Jerome, Austin, Ambrose, Origen, Hilary, Chrysostom, Damascenus, and others of that sort,—not Liranus, not Hugh of Vienne, and the rest, who, as in time, so in learning, are far below them; except where the commentaries of the former doctors fail. Also we will, that all the Fellows of our College by us designed for divinity, saving the doctors, shall be bound to attend these Theological Lectures, in the same manner as we have above bound the Bachelors of Arts, the Masters who are not Divines, and the others, to attendance at the other lectures. Now we will, that the Lecturer himself should be always bound by oath, diligently to perform all the above acts, with all his might, in the same way as the rest of the Lecturers.

"Moreover, we will, that each of the above gardeners shall empower their hearers, after their lectures, to question, without great or unseemly debate, what either the gardeners have not sufficiently explained during their reading, or what has caused scruple or doubt to the hearers themselves; and, so far as they can, shall resolve and clear up their questions and difficulties. But if other hours should seem more convenient and seasonable to the President and Senior Fellows themselves, as well as to the rest of their hearers, then we will, enjoin, and, in virtue of their oath, command the Lecturers to read at such hours, and continue all the lectures so long as shall appear necessary to the President and Seniors; and in the country likewise, while the plague rages in Oxford, in some place or places appointed by the same President and Seniors. But on the days when, on account of the public Acts of the University, no hour, at least no convenient one, can be allotted to any lecture, we allow it, with

the consent of the President and Seniors, to be omitted on such days, the above-mentioned Statute and the oath notwithstanding. The above three persons are to be Fellows of our College, or at least Scholars in their two years' probation, each of whom, besides their own commons and portion of apparel, and besides their pension, and the several other emoluments which they would otherwise receive from our College, shall have a certain pension and stipend for their lectures, and the other duties which are charges on their office, out of the common goods of our College, by the hands of the Bursars each year, at the four terms of the year, by equal portions of that stipend; that is to say, the Lecturer in Humanity five pounds every year: the Greek Lecturer five pounds, or at most ten marks; but the Lecturer in Divinity, six pounds thirteen shillings and eight pence, or at most ten pounds. And our pleasure is, that the Lecturers and each of them shall be elected and assumed in the manner, order, and form above described, and ordained in the clause, 'But if after the devolution from the whole body of Fellows to the Seniors,' respecting the course of choosing the Scholars of two years' probation to the office of lecturing, so often as any one of them shall be wanting, within fifteen days after the vacancy has occurred, by the President and the seven Seniors of our College, sworn before him in the same manner as on the election of the Vice-President; and in the absence of the President, sworn in the same manner, but before the Vice-President, by the Vice-President and the other six Senior Fellows, the Vice-President himself also being then sworn before the person next senior to himself. But every Fellow and Scholar of our College shall be bound to undertake the office of any Lecturer, on his election to it, within three days after having had lawful notice of his election; and within three days after he has in fact taken the office upon himself, as aforesaid, he shall be bound to read publicly, and to perform and continue the reading, and the other duties to the office belonging, as in this chapter is contained, under the penalty of expulsion for ever from our College, which he shall, by virtue of the act itself, incur, unless before that time he of his own accord departs from it for ever."

Bishop Fox was probably in advance of general opinion, among the Roman Catholic clergy of Oxford, when he gave these statutes, and he thought it advisable to appeal to the commands of the Church Canons, in the establishment of his Greek Lecturership in that University. The Canon to which he alluded, had been promulgated in 1311, on the authority of the Council of Vienne in Dauphiny,* and had enjoined that Professorships of Greek, Hebrew, and Arabic, should be instituted in the Universities of Paris, Oxford, Bologna, Salamanca, and the Court of Rome.

Early in the sixteenth century, the study of Greek was looked upon with great suspicion among the ancient English teachers of scholastic learning; in fact their craft was in danger, for the successful pursuit of classical studies at Oxford and Cambridge put the old scholastic system comparatively out of fashion, and the classical movement party might have been also identified, in some measure, with the growing desire for religious independence, which soon after assisted in the Reformation.

But the enormous power of the Crown was fortunately exercised at that time for the improvement of learning, and classical studies became generally adopted throughout the University of Oxford, principally through the exertions of the Commissioners of King Henry VIII.

An interesting account of their labours is preserved in the letter already mentioned,† of Dr. Layton to the Chief Secretary of State, Cromwell; and it appears from the details there given, that professed monastic students still frequented the University, at the time of the visitation, (1535,) and that the works of Duns Scotus were especially singled out, to be removed from the course of University reading. Dr. Layton wrote in the name of the Commissioners, and he thus described the state of Academic Lectures in different Colleges, and the improvements and innovations of the Commissioners in the lectures.

* Ackermann. Hist. Oxford, vol. ii. p. 37.

† P. 616. This letter is printed in a volume of the publications of the Camden Society, on the suppression of Monasteries, and has been there copied in old English, from the Cotton MS. Faustina c. vii. fol. 205.

"Please it your goodness to be advertised, that in Magdalen College, we found established one Lecture of Divinity, two of Philosophy, (the one of Moral and the other of Natural Philosophy,) and one of the Latin tongue, all well kept, and diligently frequented. To these, we added a lecture in the Greek, that is, grammar in Greek, perpetually to be read there, and all the youth thereunto to have confluence for their principles. In New College, we have established two public lectures, one of Greek, the other in Latin, and we have made for them for evermore an honest salary and stipend. In All Souls College, we have in like manner established two lectures, one of Greek, another in Latin, with a good stipend and salary thereunto assigned for ever.

"In Corpus Christi College, we found two lectures established by the Founder, one in Greek, another in Latin, public for all men thereunto to have concourse. We have further established a public lecture in the Latin tongue, in Marten [or perhaps Merton] College; and another in Queen's College; and we have assigned and made a sufficient stipend for each of these for evermore. Because we found all the other Colleges unable, in lands and revenues, to have within them public lectures, as the beforementioned Colleges have, we have enjoined the said poor Colleges, that they each and every one of them shall frequent and have daily concourse unto the said lectures.

"We have imposed a punishment on every scholar, within the University, not hearing, at least, one of these lectures. He is to be punished by the loss of his commons, for that day, on which he shall be absent from one of the said lectures, and the said penalty is to be enforced, for every day, as often as he shall have been absent, unless when there is some lawful cause which is to be approved of, by the head of the house or hall."

Such determined, and as we might now consider them, arbitrary proceedings were probably required, in the sixteenth century, for the proper establishment of classical studies throughout the University, and, it can hardly be questioned but that an occasional interference with the foundation statutes and educational plans of Colleges, by an enlightened body of Commissioners,

having the power to act, is beneficial to such ancient bodies as the Universities of Oxford and Cambridge.— In the latter University, the power of Henry VIII. was afterwards exerted in the formation of a magnificent new College, entitled Trinity College, which he endowed with the property of three old-established foundations, King's Hall, Michael House, and Physwick's Hostel, besides the grant of some minor Hostels, all of which had been surrendered to him; the king did not live to grant statutes to his College, but a code of laws was given to the institution by his successor Edward VI., and other codes of laws were subsequently granted by Queen Mary and Queen Elizabeth. Whenever any consolidation of small Colleges into large and more vigorous societies, can be effected, with due respect and regard to existing interests, it would appear from the successful working and wide spread influence of this great foundation at the present day, that the educational interests of the British nation may be materially promoted. Indeed, greater facilities are afforded in a large College for ensuring regular and more searching examinations of the candidates for Fellowships; and the actual honor of the Fellowships themselves and their estimation in the world are increased by the strictness and impartiality of the examiners, as well as by the extension of the subjects of examination.

3. *Indirect influences of the Reformation.** *From Dr. Vaughan's Age of Great Cities.*

"If Christianity has done much to foster the spirit which declares that every man should be a freeman, and that woman should be his companion, and not his slave; it has done much more, since the era of the Reformation, to strengthen all previous impulses of that nature, by calling upon men, without respect of persons, to become, in the main, their own teachers with regard to all matters of religious opinion and religious duty. This was the great blow against social selfishness, as taking the form of exclusion and monopoly. No other movement could have given such solemn prominence to the broad ground occupied by men in common, as distinguished from the narrow grounds on which they differ from each other. It brought home the doctrine of human responsibility to every man's conscience and bosom, and with a force altogether new.

"It taught a people, who seemed to have nothing to do in religion, except to be observant of its forms, to feel as though they had every thing to do in it, if their observance of forms was to be found of the slightest value. Men who had been taught to lean entirely on the priesthood of others, were admonished, that as they hoped to be saved, it would behove them to become their own priests. In this manner, it set forth a new doctrine in respect to human right and human duty, based on new views in regard to human capability. It raised man from a condition of mere passiveness in the hands of the accredited ministers of religion, and required him to act with the intelligence and seriousness proper to a being conscious of his personal accountableness to God.

"No lingering attachment to the old forms of authority on the part of the Reformers themselves, could prevent the impulse which they had brought upon society from taking this direction, or from proceeding to this extent. Their mission was, in effect, a

* Age of Great Cities, p. 72. See Huber, vol. i. p. 285.

proclamation of liberty to the captive, and of the opening of the prison to them that were bound,— or, as the utterance of a warning voice, saying, the night is far spent, the day is at hand, be sober, be vigilant! For this call was not more a call to liberty than to labour. Its aim was not merely a restoration of human rights, but the restoration of a spirit in man that should be worthy of them.

"It was no mean thing that men should learn to regard themselves as competent to pursue the course which had been thus marked out for them in respect to religion, inasmuch as it would prepare them to look with a new intelligence on many other matters, which, in common with religion, had been long accounted as subjects greatly above their comprehension. If men, for example, were to conduct themselves after this manner with regard to religion, was it not reasonable that they should learn to conduct themselves in the same manner with regard to the questions of civil government? If the church could err — and err so fatally, might not the state also err, and no less fatally, and could it be improper that the right to judge concerning the more sacred should be extended to the less? Religion and government are the great questions of society, and the principle which conveys a right to take cognizance of these, conveys a right to take cognizance of every thing else. It is the fact that the principle of the Reformation carried with it these seeds of general improvement, that has given to it so much importance in the view of all minds interested in the progress of man and society. It was a call to wakefulness on one great subject, and a call made with so much success, that it could not fail to induce a habit of wakefulness in respect to many other subjects. Sagacious men perceived that matters tended to this issue, some regarding it with dismay, others with hope, and neither were disappointed.

"The fearing class were bold in their predictions with regard to the ruin that must come. Nor is it to be supposed, that the minds of men could pass through such a transition without being affected by circumstances so novel, so as to call forth some of the infirmities of human nature in new forms. In breaking away

from the odious assumptions of a false authority, it was to be feared that many would fail to discern the just claims of the true. In some cases, the modest self-reliance which religion enjoins, would be confounded with the spirit of presumption which it condemns. The war of argument, also, soon brought on the war of the sword. School became divided against school, and, as the next step, nation became divided against nation.

"But to judge wisely concerning any such change, we must look upon it broadly and as a whole. Despotism has its seasons of repose, but it is not a repose with which wise men will be enamoured. The errors attendant on the Reformation may have been many, but they were neither so many, nor of a kind so much to be deplored, as were those which they served in a great measure to supersede. It was, we admit, another consequence of that change, that the wars of Europe during more than a century from that time, were, for the most part, wars of religion. But when we look to the wars which preceded that interval, and to those which followed upon it, we see little reason to doubt that, had the pretexts or incentives of religion been wanting, their place would have been readily supplied by others not less potent or mischievous. But while the place of the evils in the train of the Reformation would no doubt have been supplied by others of greater magnitude, the good which resulted from the mental and spiritual revolution of the sixteenth century, was such as could not have been realized, within the same space of time, from any other cause."

4. *Account of the Parliamentary Visitations of the Universities, during the Civil Wars of the Seventeenth Century.**

"The first instance in which the University of Cambridge forced itself into notice in the present contest, was when they attempted, in August, 1642, to send the University plate to the King, to be coined into money to enable him to carry on the war. Cromwell was one of the representatives for the town of Cambridge in this Parliament, and he had just received a commission to raise a troop of horse against the King. One of his first exploits was an endeavour to defeat the measure now adopted by the University. We are assured by the ecclesiastical writers, that Cromwell was outwitted in this, and baffled of his prize, by means of which his character as a subtle, active man was somewhat brought into question: but we find by the journals, that the House of Commons voted him an indemnity for what he effected in this transaction. The truth probably is, that a great part of the plate was stopped; but that a portion of it reached its destination. Cromwell is said by the royalist writers to have conducted himself with some ruggedness on this occasion.

"Shortly after this, Cambridge was made a garrison for the Parliament, chiefly under the superintendence of Cromwell. That his soldiers were not debauched and licentious, is proved to us by the most indubitable testimony; but it must have been sufficiently vexatious in this seat of learning, that many of them were quartered upon the University; and we may be sure, from the detestation they had imbibed of idolatry and ceremonial observances, that they were unwelcome guests to many of the older members of that body. They frequently vented the fervour of their zeal in the demolishing of images and painted windows; and they expressed, in a way sufficiently unequivocal, their dislike of the habits and costume of more elevated members of the establishment. Add to

* From Godwin's History of the Commonwealth, vol. i. p. 305, vol. iii. p. 86. See Huber, vol. ii. p. 10 and p. 14.

which, those of the Cambridge clergy, who felt themselves stimulated by their political partialities to give vent, in an unseasonable and offensive manner, to the lively interest they took in the royal cause, experienced more serious effects from the displeasure of the Parliament and its adherents. Several of them were taken into custody, and were occasionally treated with that contumelious severity which is so apt to form one of the features of civil broils.

"At length, in the beginning of the present year, (1644,) the Parliament set itself seriously to introduce that change into the University of Cambridge which the circumstances of the times demanded at their hands. As a first step, an order was issued by the two houses, declaring that, whereas doubts had been suggested, upon the ordinance for the sequestration of the estates of delinquents, whether the estates of the different bodies in that University came within the operation of the ordinance, the meaning of Parliament was that these estates and revenues should be in no wise sequestrable, but that the sequestrations should fall merely upon the individual who had been pronounced delinquent, and that no longer than during the time that he would otherwise have received or enjoyed those revenues.

"Having thus recognized and declared the solidity of the fabric of the University, the Parliament next proceeded to the consideration of the amendments they were desirous of introducing into its present condition. That every thing which regarded it might be conducted with as much mildness and urbanity as the nature of the case would bear, they placed the affair entirely under the direction of the Earl of Manchester. He was a man of a gentle and generous nature, and a true lover of his country. His temper withal was so excellent, that the harshness of the contest now at issue, and the rough part he was called upon to act in it, had scarcely power to obscure the marks of his original disposition; insomuch that he was never guilty of rudeness towards those against whom it was necessary for him to proceed; and he performed all good offices towards his old friends of the court, and others, which the strictness of the times, and the nature of the employments in which he was engaged, would allow him to exert. A fitter person could

not be found for the office; and accident seemed to point him out for the business, as he was local military commander, or, in the language of the times, serjeant major-general to the seven associated counties of Norfolk, Suffolk, Cambridge, Essex, Huntingdon, Hertford, and Lincoln. An ordinance was therefore made, conferring on him an extensive authority. He was empowered to appoint committees, who were entitled to call before them all provosts, masters, fellows, and students of the University, and to hear complaints against such as were scandalous in their lives, ill affected to the Parliament, fomenters of the present unnatural war, or who had deserted the ordinary places of their residence, and to examine witnesses in support of these complaints. The committees were to make their report to the sergeant major-general, who had power to eject such as he should judge unfit for their offices, and to put in their places persons whom he should nominate, and who should be approved by the assembly of divines sitting at Westminster.

"Manchester, being invested with these powers, arrived at Cambridge in the middle of February. Speedily after, he issued his warrants to the different Colleges and Halls in the University, forthwith to send him their statutes, with the names of their members, and to certify to him who were present, and who absent, with the express time of their discontinuance. Two days later, he sent to the officers of the different Colleges, requiring them to appear before him on the tenth of March, to answer such enquiries as should be made by himself, or commissioners appointed by him.

"The thirteenth of March was the day destined for the first great alteration to be introduced into the discipline of the University. The number of the Colleges was sixteen, and of these the heads of six were allowed, and gave their consent, to retain their former stations. Ten new heads of Colleges were appointed; and these appear to have been selected with great propriety and judgment. Two of them were Benjamin Whichcote and Ralph Cudworth, men of unquestionable literary eminence, both of them, but particularly the latter, qualified to do honour to any seminary for education in the world. Another was Thomas Young, the

preceptor and friend of Milton. The remainder, though their names are not so familiar to our ears, were men of great learning, high respectability, and unblemished life. A few days later, sixty-five fellows were ejected from the different Colleges, and their places filled by others, nominated by Manchester, and approved by the assembly of divines. The ordinance of Parliament empowered the serjeant major-general to dispose of a fifth part of all the estates or revenues he should sequester, for the benefit of the relatives of the persons ejected.

"Undoubtedly this revolution involved in its operation a considerable portion of calamity. But it seldom happens that any considerable reform is free from that blemish. The reformation of the preceding century, when the Popish religion was thrown down in this kingdom, and Protestantism erected in its room, was liable to the same objection. Many of the ejected clergy were deprived of their profession and their means of subsistence; and a multitude of monks, nuns, and friars were turned out vagabonds through the land. It would be a senseless illiberality to doubt that there were among these many excellent and exemplary persons; and, if it were otherwise, destitution and starving are not the punishments that equity would award against those who offended. The thing to be desired in all cases is, that the present holder should not suffer by the change, and that the revenues should be appropriated to other purposes only as lives fell in in the ordinary course of mortality.

"But reformation in certain cases seems to require, that the change which is contemplated should be executed at once. The revolution from Popery to Protestantism could scarcely have been effected by the tedious process of waiting for the decease of the present holders. Nor could the abolition of episcopacy in England, especially amidst the tumultuous and urgent scenes of a civil war, have been operated in that way.

"Much of the calamity attendant on the Reformation in the sixteenth century might have been avoided, if the business had been undertaken in a more moderate temper. Immense revenues were confiscated at that time, which never returned to the Church. Out

of these no doubt sufficient provision might have been made for those who suffered by the change. But this mode of proceeding had no affinity with the violent temper of Henry the Eighth. The rapaciousness of his own disposition, and the sordid mind of his courtiers, scarcely allowed that the smallest trifle should escape from their grasp.

"There was not the same opportunity for a liberal and generous procedure in the case we are here considering. The same living in the Church, and the same stipend to the University, could not be appropriated entire to two parties, the person who was ejected from the situation, and the person nominated in his room. The revenues of the episcopal sees might have done something; but they were not adequate to all purposes. There must have been some sufferers; men who, from opulence, were reduced to a narrow income, and men, it is to be feared, who from a narrow income were reduced to want. The Ecclesiastical Revolution was conducted with considerable sobriety, and with much attention to the general welfare of the community; but there were still cases in abundance to excite our deepest sympathy, and to fill us with poignant regret."

"Oxford was surrendered to the Parliament on the twentieth of June, 1646. The present rulers, however, proceeded cautiously, and somewhat tardily, in the execution of the great task which was thus devolved on them.* In the month of September, seven of the most popular preachers of the Presbyterian denomination, one of whom was Reynolds, who after the Restoration was made Bishop of Norwich, were sent down by order of the two houses to preach in any of the churches in Oxford, to endeavour to bring the University into a better temper, and dispose them to a reconciliation with the Parliament and its proceedings. Their exertions appear to have had a considerable effect on the town's people, but were treated by the remaining members of the University with all possible contempt.

"Early in January in the following year, (1647,) an ordinance

* Godwin's History of the Commonwealth, vol. iii. p. 86.

was introduced into the House of Commons, for the purpose of appointing four-and twenty persons, one-third of them clergy, to visit the University, to enquire into the disaffection of any of its members to the present Establishment in Church and State, and to exercise all the powers that had been accustomed to be exercised by any visitors, by whatever authority appointed. The same ordinance named twenty-six lords and fifty-two members of the House of Commons, as a committee, to whom the members of the University might appeal, if they deemed themselves aggrieved by any decision of the visitors. This ordinance, however, was so long depending, partly by a difference between the two houses, the Commons insisting upon the members of their house amounting to the double of those of the House of Lords, and the Lords pressing for an equality, that it did not finally acquire the force of a law till the first of May following.

"Fourteen days after the passing this ordinance, a citation was issued, being signed by ten of the visitors, requiring all the officers, fellows and scholars of the different Colleges, to appear before them in the Convocation-house of the University on the fourth of the following month, and to bring with them a list of all the members, officers, and scholars of their respective establishments. Meanwhile, it was precisely at this period that the misunderstanding broke out between the Parliament and the Army; and the fourth of June, the day fixed for the visitation, was the very day on which the King was conveyed from Holdenby under military escort.

"What would have been the conduct of the heads of houses at Oxford under other circumstances, it is difficult to pronounce. They had committed themselves too far, to hope for forbearance from the present ruling powers. Countenanced by the presence of the King, and feeling that his cause and the cause of episcopacy were one, there were no lengths of hostility to which they had not proceeded, and no contumely with which they had not ambitiously loaded the innovators in the Church, and the adversaries of passive obedience in the State.

"Meanwhile the present state of things afforded them every

excitement to proceed with the utmost effrontery and arrogance against those who were coming among them to correct them. The visitors by whom they were summoned were Presbyterian; but it was evident enough that the power of the Presbyterians was rapidly on the decline. Amidst the intestine divisions of those who had hitherto fought against prerogative, the officers of the University, like the King, anticipated the triumph of him who could no longer oppose his adversaries in the field, imaged to themselves both parties as courting the fallen Sovereign, and believed, with Charles, that neither could do without him, and that he would be able to give the law to both.

"At this very time there was a mutiny in the garrison of Oxford, in concert with the defection of the army at head quarters, they refusing to disband in obedience to the orders of Parliament, and seizing upon the money which had been sent down to facilitate that operation.

"The three things the visitors were specially to insist on, were the covenant, the negative oath, (or oath not to assist the King in his war against the Parliament,) and the directory, or formula of Presbyterian Church-government and worship. No person was hereafter to hold any office in, or be a member of the University, who neglected to subscribe the two first, or opposed the execution of the last. On the first of June, three days before the visitation was to take place, Fell, the Vice-chancellor of Oxford, held a convocation, in which a paper was consented to, and ordered to be published, entitled 'Reasons of the Present Judgment of the University against each of the above particulars.'

"On the day appointed, a sermon was preached, previously to the opening the visitation, at St. Mary's church, in Oxford; and from thence the visitors passed to the convocation-house, for the purpose of proceeding with their commission. But the plan of the dignitaries of the University was already fixed. They were summoned to appear before the visitors between the hours of nine and eleven in the forenoon; and, having waited in the vestibule of the hall till the time was expired, they entered the building, and formally dismissed the assembly. In their return, Fell, attended by

his beadles and other officers, met the visitors; and, a cry being set up by his followers of 'Room for the Vice-chancellor,' he passed on. Meanwhile Fell moved his cap to the visitors, and accosted them with, 'Good morrow, gentlemen; it is past eleven o'clock.' Upon this occurrence the visitors consulted for some time, and at length decided, under all the circumstances, to adjourn the visitation till the next term.

"Not long after this period, an ordinance was passed by the two houses, restoring the Earl of Pembroke to the office of Chancellor of the University, who had been superseded by the King during the civil war, and the Marquis of Hertford elected Chancellor in his room. This ordinance of course put an end to the authority of Fell as Vice-chancellor, and of all other officers appointed by the latter of these noblemen. A further ordinance was also made, explanatory of the ordinance of visitation, empowering the visitors to administer the covenant and negative oath, to call for all the books of the University, and to order into custody, and commit to prison all persons disobeying the authority hereby conveyed. St. John was at the same time directed to draw up a commission in the amplest manner, to which the great seal was to be affixed, investing the visitors in all the functions of their appointment. This commission was given, according to the forms constantly employed on such occasions, in the name of the King.

"The visitation took place on the twenty-ninth of September. Fell and the heads of the different houses were ordered to appear before the visitors, and to bring with them their statutes, registers, and public writings. Refusing this latter, Fell was in the eighth of the following month formally declared to have forfeited the office of Vice-chancellor, and was ordered to be attached, and brought before the lords for contempt. He was committed to prison, and remained in confinement till the May or June of the following year. The report of the visitors was referred to the committee of Lords and Commons for regulating the University, who accordingly summoned several of the heads of houses to appear before them at Westminster, to answer for their contumacy; but none of these officers, except Fell, seem to have been detained

in custody. They were allowed counsel to plead for them; and the main argument employed in their favour appears to have been that by their statutes they were not bound to submit to any visitors, but the King and the Archbishop of Canterbury: the Archbishop was dead; and though the commission had been drawn in the name of the King, this was a fiction only, and the instrument had not his real concurrence. This argument would, in ordinary times, probably have been admitted as valid; but upon occasions like the present, forms must undoubtedly give way to the demands of the public safety. In conclusion, it was decided that the heads of houses who had been summoned, had been guilty of the contempt alledged against them, and they were accordingly voted to be removed from their respective offices.

"It was not till the eleventh of April that the Earl of Pembroke made his public entry into the University, and the next day Reynolds, afterwards Bishop of Norwich, was vested with the office of Vice-chancellor. Mrs. Fell, the wife of his predecessor, refusing to quit the apartments she occupied, was carried in a chair by the soldiers into the quadrangle of Christ Church, where they were situated. And on the following day they put Harris and Cheynel, two of the persons who in September, 1646, had been sent down by Parliament to preach to the University, into possession of the office of Presidents of Trinity College and St. John's. Wilkins, the celebrated Natural Philosopher, who afterwards married a sister of Cromwell, was at the same time installed Warden of Wadham College, John Palmer, Warden of All Souls, John Wilkinson, President of Magdalen, and Daniel Greenwood, Principal of Brazennose. Reynolds had, by the same authority, been made Dean of Christ Church."

From the foregoing remarks of Godwin, the episcopalians must have over estimated the disunion and weakness of their opponents, (see p. 637,) and they were naturally incensed by the new tests proposed by the parliamentary party.

5. *Lord Bacon on the Defects of Universities.*

Lord Bacon has the distinguished title bestowed upon him, by Professor Huber,* of being the father of all the modern opponents and theoretical reformers of all that the English Universities are and ever were in history. The opinions of such a deep thinking and calm judging philosopher, as Lord Bacon, are in themselves, however, worthy of serious attention on such a noble subject as University Reform, and they are thus given by him, in his Advancement of Learning, under the head; "Defects of Universities."†

"First, therefore, amongst so many great foundations of Colleges in Europe, I find it strange that they are all dedicated to professions, and none left free to arts and sciences at large. For if men judge that learning should be referred to action, they judge well; but in this they fall into the error described in the ancient fable, in which the other parts of the body did suppose the stomach had been idle, because it neither performed the office of motion, as the limbs do, nor of sense, as the head doth; but yet, notwithstanding, it is the stomach that digesteth and distributeth to all the rest: so if any man think philosophy and universality to be idle studies, he doth not consider that all professions are from thence served and supplied. And this I take to be a great cause that hath hindered the progression of learning, because these fundamental knowledges have been studied but in passage. For if you will have a tree bear more fruit than it hath used to do, it is not anything you can do to the boughs, but it is the stirring of the earth, and putting new mould about the roots, that must work it. Neither is it it to be forgotten, that this dedicating of foundations and donations to professory learning hath not only had a malign aspect and influence upon the growth of sciences, but hath also been prejudical to states and governments. For hence it proceedeth that princes find a solitude in regard of able men to

* Vol. ii. Part ii. p. 429.

† Lord Bacon's Works, edited by Basil Montagu. Vol. ii. p. 92.

serve them in causes of state, because there is no education collegiate which is free; where such as were so disposed might give themselves to histories, modern languages, books of policy and civil discourse, and other the like enablements unto service of estate.

"And because founders of Colleges do plant, and founders of lectures do water, it followeth well in order to speak of the defect which is in public lectures; namely, in the smallness and meanness of the salary or reward which in most places is assigned to them; whether they be lectures of arts, or professions. For it is necessary to the progression of sciences that readers be of the most able and sufficient men; as those which are ordained for generating and propagating of sciences, and not for transitory use. This cannot be, except their condition and endowment be such as may content the ablest man to appropriate his whole labour, and continue his whole age in that function and attendance; and therefore must have a proportion answerable to that mediocrity or competency of advancement, which may be expected from a profession, or the practice of a profession. So as, if you will have sciences flourish, you must observe David's military law, which was, 'That those which staid with the carriage should have equal part with those which were in the action;' else will the carriages be ill attended. So readers in sciences are indeed the guardians of the stores and provisions of sciences, whence men in active courses are furnished, and therefore ought to have equal entertainment with them; otherwise if the fathers in sciences be of the weakest sort, or be ill maintained,

'Et patrum invalidi referent jejunia nati.'

"Another defect I note, wherein I shall need some alchemist to help me, who call upon men to sell their books, and to build furnaces; quitting and forsaking Minerva and the Muses as barren virgins, and relying upon Vulcan. But certain it is, that unto the deep, fruitful, and operative study of many sciences, especially Natural Philosophy and Physic, books be not the only instrumentals, wherein also the beneficence of men hath not been altogether wanting: for we see spheres, globes, astrolabes, maps,

and the like, have been provided as appurtenances to Astronomy and Cosmography, as well as books: we see likewise that some places instituted for Physic have annexed the commodity of gardens for simples of all sorts, and do likewise command the use of dead bodies for Anatomies. But these do respect but a few things. In general, there will hardly be any main proficience in the disclosing of nature, except there be some allowance for expenses about experiments; whether they be experiments appertaining to Vulcanus or Dædalus, furnace or engine, or any other kind; and therefore as secretaries and spials of princes and states bring in bills for intelligence, so you must allow the spials and intelligencers of nature to bring in their bills; or else you shall be ill advertised.

"And if Alexander made such a liberal assignation to Aristotle of treasure for the allowance of hunters, fowlers, fishers, and the like, that he might compile an history of nature, much better do they deserve it that travail in arts of nature.

"Another defect which I note, is an intermission or neglect in those which are governors in Universities, of consultation; and in princes or superior persons, of visitation: to enter into account and consideration, whether the readings, exercises, and other customs appertaining unto learning, anciently begun, and since continued, be well instituted or not; and therefore to ground an amendment or reformation in that which shall be found inconvenient. For it was one of your Majesty's own most wise and princely maxims, 'That in all usages and precedents, the times be considered wherein they first began; which if they were weak or ignorant, it derogateth from the authority of the usage, and leaveth it for suspect.' And therefore in as much as most of the usages and orders of the Universities were derived from more obscure times, it is the more requisite they be re-examined. In this kind I will give an instance or two, for example sake, of things that are the most obvious and familiar: the one is a matter, which though it be ancient and general, yet I hold to be an error; which is, that scholars in Universities come too soon and too unripe to Logic and Rhetoric, arts fitter for graduates than children and novices: for

these two, rightly taken, are the gravest of sciences, being the arts of arts; the one for judgment, the other for ornament: and they be the rules and directions how to set forth and dispose matter; and therefore for minds empty and unfraught with matter, and which have not gathered that which Cicero calleth 'sylva' and 'supellex,' stuff and variety, to begin with those arts, (as if one should learn to weigh, or to measure, or to paint the wind,) doth work but this effect, that the wisdom of those arts, which is great and universal, is almost made contemptible, and is degenerate into childish sophistry and ridiculous affectation. And further, the untimely learning of them hath drawn on, by consequence, the superficial and unprofitable teaching and writing of them, as fittest indeed to the capacity of children. Another is a lack I find in the exercises used in the Universities, which do make too great a divorce between invention and memory; for their speeches are either premeditate, 'in verbis conceptis,' where nothing is left to invention; or merely extemporal, where little is left to memory: whereas in life and action there is least use of either of these, but rather of intermixtures of premeditation and invention, notes and memory; so as the exercise fitteth not the practice, nor the image the life: and it is ever a true rule in exercises, that they be framed as near as may be to the life of practice; for otherwise they do pervert the motions and faculties of the mind, and not prepare them. The truth whereof is not obscure, when scholars come to the practices of professions, or other actions of civil life; which when they set into, this want is soon found by themselves, and sooner by others. But this part, touching the amendment of the institutions and orders of Universities, I will conclude with the clause of Cæsar's letter to Oppius and Balbus, 'Hoc quemadmodum fieri possit, nonnulla mihi in mentem veniunt, et multa reperiri possunt; de iis rebus rogo vos ut cogitationem suscipiatis.'

"Another defect, which I note, ascendeth a little higher than the preceding: for as the proficience of learning consisteth much in the orders and institutions of Universities in the same states and kingdoms, so it would be yet more advanced, if there were more intelligence mutual between the Universities of Europe than

there now is. We see there be many orders and foundations, which though they be divided under several sovereignties and territories, yet they take themselves to have a kind of contract, fraternity, and correspondence one with the other; in so much as they have provincials and generals. And surely as nature createth brotherhood in families, and arts mechanical contract brotherhoods in commonalities, and the anointment of God superinduceth a brotherhood in kings and bishops; so in like manner there cannot but be a fraternity in learning and illumination, relating to that fraternity which is attributed to God, who is called the Father of illuminations or lights.

"The last defect which I will note is, that there hath not been, or very rarely been, any public designation of writers or inquirers concerning such parts of knowledge as may appear not to have been already sufficiently laboured or undertaken; unto which point it is an inducement to enter into a view and examination what parts of learning have been prosecuted, and what omitted; for the opinion of plenty is amongst the causes of want, and the great quantity of books maketh a show rather of superfluity than lack; which surcharge, nevertheless, is not to be remedied by making no more books, but by making more good books, which, as the serpent of Moses, might devour the serpents of the enchanters."

6. *Views on Scientific and General Education, by Sir John Herschel, Bart., F.R.S., M.A., and formerly Fellow of St. John's College, Cambridge, &c.*

Sir John Herschel visited South Africa a few years ago, to observe the stars of the Southern hemisphere, and when at the Cape, he was consulted respecting the scheme of instruction for a South African College. His opinions were then given in a letter to the Rev. Dr. Adamson, and they were afterwards republished in this country; they are the matured views of a philosophic mind, anxious for the real improvement of public education, and among other novel points they contain a recommendation* of Lord Bacon's Novum Organum for a text book at College. Sir John Herschel thus explains his views: —

"A good practical system of public education ought, in my opinion, to be more real than formal; I mean, should convey much of the positive knowledge with as little attention to mere systems and conventional forms as is consistent with avoiding solecisms. This principle carried into detail, would allow much less weight to the study of languages, especially of dead languages, than is usually considered its due in our great public schools, where, in fact, the acquisition of the latter seems to be regarded as the one and only object of education. While, on the other hand, it would attach great importance to all those branches of practical and theoretical knowledge, whose possession goes to constitute an idea of a well-informed gentleman; as, for example, a knowledge of the nature and constitution of the world we inhabit — its animal, vegetable, and mineral productions, and their uses and properties as subservient to human wants. Its relation to the system of the universe, and its natural and political subdivisions; and last and most important of all, the nature and propensities of man himself, as developed in the history of nations and the biography of individuals; the constitutions of human society, including our responsibilities to

* See Huber, vol. ii. part ii. p. 430.

individuals and to the social body of which we are members. In a word, as extensive a knowledge as can be grasped and conveyed in an elementary course of the actual system and laws of nature, both physical and moral.

"Again, in a country where free institutions prevail, and where public opinion is of consequence, every man is to a certain extent a legislator; and for this his education (especially when the Government of the country lends its aid and sanction to it) ought at least so far to prepare him, as to place him on his guard against those obvious and popular fallacies which lie across the threshold of this, as well as of every other subject with which human reason has any thing to do. Every man is called upon to obey the laws, and therefore it cannot be deemed superfluous that some portion of every man's education should consist in informing him what they are. On these grounds it would seem to me that some knowledge of the principles of political economy — of jurisprudence — of trade and manufactures — is essentially involved in the notion of a sound education. A moderate acquaintance also with certain of the useful arts, such as practical mechanics or engineering — agriculture — draftsmanship — is of obvious utility in every station of life; — while in a commercial country, the only remedy for that proverbial short-sightedness to their best ultimate interest which is the misfortune rather than the fault of every mercantile community upon earth, seems to be, to inculcate as a part of education, those broad principles of free interchange and reciprocal profit and public justice, on which the whole edifice of permanently successful enterprise must be based.

"The exercise and development of our reasoning faculties is another grand object of education, and is usually considered, and in a certain sense justly, as most likely to be attained by a judicious course of mathematical instruction — while it stands if not opposed to, at least in no natural connexion with, the formal and conventional departments of knowledge (such as grammar and the so-called Aristotelian logic). It must be recollected, however, that there are minds which, though not devoid of reasoning powers, yet manifest a decided inaptitude for mathematical studies, —

which are *estimative* not *calculating*, and which are more impressed by analogies, and by apparent preponderance of general evidence in argument than by mathematical demonstration, where all the argument is on one side, and no show of reason can be exhibited on the other. The mathematician listens only to one side of a question, for this plain reason, that no strictly mathematical question *has* more than one side capable of being maintained otherwise than by simple assertion; while all the great questions which arise in busy life and agitate the world, are stoutly disputed, and often with a show of reason on both sides, which leaves the shrewdest at a loss for a decision.

"This, or something like it, has often been urged by those who contend against what they consider an undue extension of mathematical studies in our Universities. But those who have urged the objection have stopped short of the remedy. It is essential, however, to fill this enormous blank in every course of education which has hitherto been acted on, by a due provision of some course of study and instruction which shall meet the difficulty, by showing how valid propositions are to be drawn, not from premises which virtually contain them in their very words, as in the case with abstract propositions in mathematics, nor from the juxtaposition of other propositions assumed as true, as in the Aristotelian logic, but from the broad consideration of an assemblage of facts and circumstances brought under review. This is the scope of the Inductive Philosophy — applicable, and which ought to be applied (though it never yet has fairly been so) to all the complex circumstances of human life; to politics, to morals, and legislation; to the guidance of individual conduct, and that of nations. I cannot too strongly recommend this to the consideration of those who are now to decide on the normal course of instruction to be adopted in your College. Let them have the glory — for glory it will really be — to have given a new impulse to public instruction, by placing the Novum Organum for the first time in the hands of young men educating for active life, as a text book, and as a regular part of their College course. It is strong meat, I admit, but it is manly nutriment; and though imperfectly comprehended, (as it must be

at that age when the College course terminates,) the glimpses caught of its meaning, under a due course of collateral explanation, will fructify in after life, and, like the royal food with which the young bee is fed, will dilate the frame, and transform the whole habit and economy. Of course, it should be made the highest book for the most advanced classes."

7. *Observations on the Admission of Dissenters to Academical Degrees,* by the Right Reverend Connop Thirlwall, D.D., Bishop of St. David's, and formerly Fellow and Tutor of Trinity College, Cambridge.*

"The first question is, whether any change in our present system would become necessary, if a greater number of Dissenters should be induced by the prospect of admission to degrees, should they be thrown open, to send their sons to be educated at the University. To this I answer, that I know of no change which would in that case be rendered necessary, and that I do not even see any which would be then more desirable than they appear to be now, and to have long been, in the judgment of at least many very sincere members of the Church of England, on perfectly distinct and independent grounds. That the Dissenters would not be willing attendants at our daily service, I can easily believe; it is difficult enough already, as my friend, Mr. Wordsworth, assures us, to find any persons who are. But one thing, I think, I may assert, if not without fear of contradiction, yet with the certainty of general and deeply felt assent, that if one half at least of our present daily congregations were replaced by an equal number of Dissenters, they would not have come with greater reluctance, nor pay less attention to the words of the service, nor be less edified, or more delighted, at its close.†

* From a letter to the Dean of Peterborough, Regius Professor of Divinity in the University of Cambridge, on the admission of Dissenters to Academical degrees, by Connop Thirlwall, M.A., Fellow of Trinity College, Cambridge, Ridgway. 1834.

† In a previous part of the same letter, (p. 33,) the Bishop of St. David's, then Mr. Thirlwall, had stated his opinion, that it would be a great benefit to religion, if the daily services of the chapel in Trinity College, Cambridge, were discontinued, and if in their stead, there should be established a weekly service, which should remind the young men of that to which they had most of them been accustomed at home. The learned writer thought that "such a service would afford the best opportunity of affording instruction of a really religious kind, instruction which should be something more and better than a mere exercise either of the memory or the understanding, which should apply itself to their situation and prospects, and address

"With regard to our 'Divinity' lectures, there would, for reasons already assigned, be still less need or motive for any change in the case I am supposing. No one, I presume, imagines that any Dissenter would object to the works of Paley or Butler or Doddridge (for we use his Evidences too) being put into his son's hands. As little could he apprehend any danger to the young man's principles, whatever they might be, from such lectures and such examinations as it is our present practice to give, in any of the books of the New Testament. Can it be supposed that he would desire his son to be kept in ignorance that there are conflicting opinions as to the meaning of several texts, or that he would think this knowledge dangerous, if it was communicated by a clergyman of the Church of England, who should take occasion to express his non-preference of the opinion adopted in his own Church? If there is any Dissenter who entertains any such fears, it can only arise from his ignorance of the character of our 'Divinity' lectures. All that the Dissenters would have to wish would be, that no alteration should be made on their account in this part of our system. I do not even think it necessary to press the fact, that nothing is more usual than to grant leave of absence from particular lectures. Only let things remain as they are and

itself to their feelings." He then added, that in his opinion "this weekly service ought to be purely voluntary," and he continued, that, in this case, it might be probable that it would not be quite so numerously attended as the liturgy is now, but from what every one might observe of the attendance in the parish churches, as well as in that of the University, he thought that there was no reason to fear that *such* a voluntary system of religion would be changed into no religion at all.

The Dean of Ely has more recently suggested an alteration in the present system of college chapel worship, which deserves serious consideration in connexion with this subject. He remarks, in his observations on the statutes of the University of Cambridge, that the college enactments relating to public worship have been, to a great degree, superseded by the provisions of the act of Uniformity, and that this act has prescribed the use of the morning and evening prayers of the Church, without addition or diminution, in the college chapels of the Universities, and that its injunctions are almost universally obeyed. "But" the Dean adds, "it may be seriously doubted, whether the use of shorter forms of prayer, except on Sundays and Festivals, such as have been sanctioned by the Bishop of London at the East India College, Hayleybury, and in King's College, London, so as to make those services approximate in their character to family worship, might not be advantageous to the cause of religion and good order."

have been in this respect, and the more they know of us, the more they will be convinced of the perfect harmlessness of our 'Divinity' lectures. It appears to me by no means desirable, in itself, at any time, that these lectures should be made to assume a more theological character: at this time I must earnestly deprecate any attempt at such a change. The Dissenters would say to us (and who could gainsay?): you have kept your theology locked up, as long as it could only be of use to your pupils; you bring it out as soon as it may be made a weapon for deterring or annoying us. They would doubt the sincerity of our sudden display of zeal for religion: and who could believe in it? They would think (and with every appearance of truth) that they saw, not the workings of Christian piety, but the base acts of a miserable priestcraft.

"The evils, sir, which you and others apprehend from the influx of a greater number of Dissenters into this University (Cambridge) and from their introduction into Oxford, may be reduced to two heads. You fear that the tranquillity of our young men will be disturbed, and their religious principles unsettled, by theological disputes. You point to Daventry for an example of the latter evil: of the former I do not perceive the slightest trace even there; unless theology is the only subject on which it is impossible there should ever be an amicable debate. I am almost afraid that the reader will be angry with me, if I suppose that he is not by this time sufficiently convinced how inapplicable the case of the Daventry Seminary is to our own. But I must just remind him that the unlikeness does not stop with that great fundamental difference which I have already examined. It extends to all our habits and modes of life. At every College, great and small, each young man has associates of his choice. The rest, if he even knows them by sight and name, have no more familiar intercourse with him than if they were absolute strangers. The degree of intimacy which would be necessary to enable conversation to fall on theological subjects, is of course still more rare. But the occasions which the ordinary occupations of the place afford for the introduction of such topics are the rarest things of all, unless it be the interest in the subject which might sustain it five minutes if any accident should

start it. Religious circles indeed there are; but they are formed, I believe, on very strict principles of union, and meet for better purposes than theological disputation. Into them a Dissenter, as such, could never find entrance: into all others he might be admitted; but I believe if he could ever succeed in turning the conversation on a point of doctrine, he would seldom be seen again in the same company. The possibility of the consequences you apprehend, in one or two extraordinary cases, depends upon a combination of circumstances which can so rarely concur, that the business of life would come to a total stand, if we allowed ourselves to stop till we could calculate or provide against such remote and improbable contingencies. The most anxious parents do not scruple to send their sons to a place, where it is not impossible that they may meet with associates who may exercise a pernicious influence over them, in things still more important than their theological speculations.

"The whole argument of your pamphlet, sir, professes to be founded on experience: and it is a little surprising that you should not only have sought this at Daventry, where it cannot possibly be found, but should have overlooked that which presents itself at Cambridge constantly before your eyes. You augur the approach of an ominous bird, at whose arrival our halcyon days will be for ever at an end: but you seem to forget — possibly you do not know — that we have already in times past had such visitors, who have, nevertheless, not proved the harbingers of any storm; you forget that we are no more secure against them now, than we shall be if the measure you deprecate should pass into a law. You think that in that case 'it is by no means improbable that persons trained in controversies would be entered at the Universities for the very purpose of producing the results we deprecate.' If so, why are they not here now? Why have they not been here always? Or, if they ever have been here, what has averted the calamities you now anticipate? According to our common Protestant notion of the Romish faith, which we are accustomed to treat as Punic, there is nothing, even at Oxford, to prevent a Jesuit in disguise from entering there, and insinuating his

principles under the most dangerous of all forms — the mask of a friend. Among us these is no need of so much as an absolution from Rome for this purpose. Here a Roman Catholic may enter without affecting to disguise his sentiments. He may attend our daily service; he cannot, indeed, exhibit greater indifference and aversion to it than he sees manifested by members around him; but while his own dislike of it is fostered and strengthened by the constant view of it under its most repulsive form, he may take advantage of the disgust it produces in those on whom it is forced till they are weary of it, to recommend the solemn and majestic ceremonies, the picturesque spectacle, the poetical associations, the intense and ravishing devotion, of his own worship, the worship of those ages of faith, of those *dark ages*, the praise of which is heard even in our own churches. This, sir, is not an imaginary case: we have had such persons among us; the most formidable of all missionaries, young enthusiasts not untrained in the arts of controversy, but furnished with still more powerful arms, exerting the influence of a lofty and chivalrous spirit over kindred natures, winning all affections by the gentleness of their manners, by the purity of their lives, by the glowing fervour of their zeal. They have been with us; they are gone; they have left behind them a remembrance full of love and esteem; but I am not aware that they have made a single proselyte. But where they failed, who shall hope to succeed? Is there anything so seducing to youthful imaginations in the creed of the Unitarian? I am strangely mistaken indeed if this is the bent of that part of our youths, who think much, and feel earnestly, about religion.

"But, sir, there are other lessons which experience may teach us, if we are content to observe it at home, and not to wander in search of it into regions, where we can only be deceived by an imaginary resemblance to our own case, which vanishes as we bring it closer to our eye. You rejoice in the 'aspect of tranquillity' which 'every thing wears' under our present system, and you fear lest we should be hurried into a vortex of unsanctified speculation and debate. Others complain that 'our Universities are to be made an arena of religious contention:' others 'that the quietness

of our Colleges is to be disturbed, their studies interrupted, their affections embittered, their friendships torn and lacerated by the restless passions, the strife and hatred and vindictive prejudice of religious hostility.' One would suppose, from these descriptions, that the Church had hitherto enjoyed a perpetual unruffled calm, stirred by no breath of controversy; or at all events that, whatever angry winds might rage without, here we were in a harbour secure from every blast. But is it indeed true, that the Church is at present agitated by no contentions, which to the parties which embarked in them appear to involve principles of vital importance? Is it true, that the old controversies between the followers of Calvin and Arminius are now hushed among us, or that they can no longer inspire any feelings of animosity? Have we in our own time never heard a Professor of Divinity fulminating from the pulpit and the press, against the errors of a person whom a part of his young hearers revered as a teacher of the purest faith? No, sir, we have not been strangers to such 'unsanctified speculation and debate:' we are not unused to the 'jargon of controversy;' but yet they have never seriously disturbed our tranquillity. Our young men have looked on and listened: some perhaps have been scandalized, and others amused by the warmth of the combat; but they have returned to their ordinary pursuits, not indeed the wiser or the better for what they have seen and heard, but they have not allowed their studies to be interrupted, their affections embittered, their friendships to be torn and lacerated: the restless passions, the strife and hatred and vindictive prejudice of religious hostility, they have left for their elders to indulge in. There is good hope that they will do so in future.

"I am afraid, sir, that we are too apt to attribute to the young what seems to ourselves natural and necessary. We are used to hear of the peculiar malignity of theological hatred: but surely it is not the exclusive property of theological differences to engender evil passions. Are not political disputes, at all times, but more especially in our own, capable of kindling personal animosity? Have we succeeded as well in guarding our young men from this danger, as we are supposed to have done in securing their concord

on religious subjects? We have, sir, it is well known, an arena of political contention constantly open for them: a place resounding continually with the voice of unsanctified speculation and debate. I have heard and known of many acquaintances, of some friendships, formed or cemented there: I never heard of any having been torn or lacerated by those conflicts. But does it not occur to you, sir, that even if such consequences had arisen from this cause, it must at least, as far as its operation extends, exclude that of which you dread the effects? This highly excited political interest, nourished by constant opportunities and habits of reading the adverse journals, is scarcely consistent with a strong relish for theological controversy. When I think of these features in our academical society, and of others which I need not touch on, for they will present themselves spontaneously to every one who knows us, I am only at a loss to assign an adequate cause for the error which you have been labouring under, in comparing our condition, past, present, future, or possible, with that of the Daventry Academy. I can only explain it by supposing, that you may have been led to transfer the tastes, pursuits, and feelings of a narrow circle, with which you are most familiar, to the University at large: and that in this way it has shrunk up in your imagination, so as to reflect the image of a theological seminary. Perhaps, sir, the humility of my station gives me some advantage over you in this respect, by enabling me to learn and observe a little more of what is really going forward in the younger and larger part of our academical world. Of their political debating societies you are no doubt well aware: but you seem to imagine that they have hitherto been perfectly exempt from the dangers of religious speculation and debate, and consequently from the 'restless passions, the strife, hatred, and vindictive prejudice,' which in the mind of young theologians are inseparably connected with such controversies. If you are not acquainted with the fact, you may be alarmed when I inform you, that there has long existed in this place a society of young men, limited indeed in number, but continually receiving new members to supply its vacancies, and selecting them by preference from the youngest, in which all subjects of the highest

interest, without any exclusion of those connected with religion, are discussed with the most perfect freedom. But if this fact be new to you, let me instantly dispel any apprehensions it may excite, by assuring you that the members of this society for the most part have been and are among the choicest ornaments of the University, that some are now among the ornaments of the Church; and that so far from having had their affections embittered, their friendships torn and lacerated, their union has been one rather of brothers than of friends. We cannot, sir, make our young men children; and it is therefore better not to treat them as such.

"I have now, sir, come very nearly to the close of your argument. I have endeavored to shew that from whatever side the real state of the case is viewed, the apprehensions which have been expressed and excited as to the consequences of the proposed measure to the religious welfare of our students, are utterly chimerical. If I could succeed in impressing others with this conviction as strongly as I feel it myself, I am persuaded that, with the most intelligent and the sincerest members of the Church of England, it would be unnecessary for me to add another word. There are, however, persons who will think that I have not yet touched on the vital point of the whole controversy: on the danger lest any of the endowments, provided for the most part by the munificence of our Roman Catholic ancestors, of the *dark ages*, and now exclusively enjoyed by members of the Church of England, should ever be shared by Dissenters, for instance by persons of the same creed with the founders. With those who attach supreme importance to this question, it will perhaps be matter of surprise and offence, that I am about to touch upon it very briefly. But, for being brief, I shall not be the less open. It appears to me that it would have been the height of folly and presumption in the persons who petitioned for the admission of Dissenters to our Degrees, to have expressed any opinion, or offered any advice, to the legislature on the other subject. It is one on which at present it is scarcely possible to form any thing more than vague hopes or vague apprehensions. No practical measure adapted to new circumstances can safely be recommended, until it is known what those circumstances are to

be. But though I cannot pretend to such an insight into futurity, as to determine at present what will be found desirable or practicable in this respect, I can see clearly that the question is one, in which science or literature may hereafter be interested, but in which religion has no concern. If that part of our endowments which are enjoyed by laymen were to be thrown open to Dissenters, I can see no other effect that would be produced than an increased activity of competition for them. Or to put the same case in another shape, if one half of our junior fellows who are now preparing themselves for the bar, or practising at it, were Dissenters instead of Members of the Church of England, however this might be matter of regret so far as the individuals themselves are concerned, it does not appear how either religion or the Church would suffer by the change.

"I drop this subject the more willingly as you, sir, have abstained from it: I would fain hope, because your view of its importance does not differ very widely from my own. You have, however, spoken of the power which the possession of our Degrees may give to the Dissenters, as a just ground of alarm: 'great power' as you call it, which will be given to, 'it is impossible to say what number of persons, who may employ it to very pernicious objects.' But you seem to overlook that not only whether this power will be great or small, but whether it will exist or not, depends on the very circumstance which, as you observe, it is impossible to determine, the number of the persons who are to possess it. The wedge might be inserted: but if a single arm should be thrust into the cleft with the hope of rending the tree, the rash man who made the attempt, would find himself held fast, and run the risk of being torn to pieces like Milo. The lever may rest: but whether it will move, must depend on the force applied to it. I have yet seen no attempt made by the persons who have speculated on this subject, to assign any grounds for even a conjecture, as to the number of Dissenters who are likely to be induced to send their sons to the University, by the measure which you deprecate. Yet on this, the amount of the practical good or evil which may arise from it must mainly depend: the kind of evil

which you apprehend, from the abuse of the power possessed by members of the senate, depends entirely on this contingency. We may after all be battling about a straw. We are not, however, left in such utter uncertainty on this point, as not to be able to form even a probable conjecture, within limits sufficiently precise for our present purpose. The proportion of Dissenters to Members of the Church of England at the University, cannot be expected to exceed that of the former body to the latter in the country; but there is reason to think that it will fall far short of this proportion. It is not, however, the proportion of the whole numbers of the two bodies that we have here to look to, but it is the proportion between the educated and affluent classes among them. We Churchmen commonly believe that in this comparison at least we have an immense advantage over the Dissenters. If we are not entirely deceived in our calculation, we must always form the preponderant, the overpowering body here: if we should have any thing to fear from the Dissenters, it would certainly not be from their superiority in numbers; and we shall surely not give them credit for any other.

"For my own part I am not one of those, if there are any such, who only consider this measure as one of policy, or of liberality, or of justice, but care little about its operation. I heartily wish that, if carried, it may have the effect of attracting many Dissenters to receive an University education. I wish it not for their sakes only, but for our own. I think the substantial interests of the University, literature and science, morality and religion, would all gain by such an accession to our numbers. This belief is more than a vague surmise. It is grounded on facts which no candid observer can dispute: it is grounded on experiment, which, though limited, is applicable as far as it goes. All observation and all analogy lead us to expect that the sons of Dissenters of the middling class, and it is such alone that we have to look for here, would add strength to that part of our students which we desire to see growing till it absorb all the rest: to that part which includes the quiet, the temperate, the thoughtful, the industrious, those who feel the value of their time, and the dignity of their pursuits. Such

Dissenters we have had, and have now among us; I wish we had more of them; I should think the advantage of their presence cheaply purchased by any share of our endowments, which, if all were thrown open to competition, they would be able to obtain."

8. *Remarks on University Education, from the North American Review for October*, 1842, *and from the American Notes of Mr. Dickens.*

"The immediate advantages of a good system of College education affect but a small part of the community, though its more remote and equally certain results are felt throughout the social and political system. These touch the welfare of men, who never heard the lecture of a professor, and who hardly know what a University means. In the Colleges is determined the character of most of the persons, who are to fill the professions, teach the schools, write the books, and do most of the business of legislation, for the whole body of the people. The general direction of literature and politics, the prevailing habits and modes of thought throughout the country, are in the hands of men, whose social position and early advantages have given them an influence, of the magnitude and permanency of which the possessors themselves are hardly conscious.

"How much, for instance, of the present aspect of English literature, of the conservative tone of British politics, of the actual direction of the wealth and power of the mother country, is to be ascribed to the influences at work within the walls of the two great Universities of England, and to the nature of the education which is there given. We do not refer merely to the number of authors, politicians, and public men, who were educated at Oxford and Cambridge. It is rather the great body of the English gentry, the wealthy, influential, and intelligent classes, who really hold the reins of power in the country, and to whom books and speeches are addressed; who hear what authors, politicians, and reformers have to say, and then decide upon the character of what they have heard. The tendency of national literature, the tone of public sentiment, is rather determined by people who read books, than by those who write them; by men who vote, rather than by those who speak in Parliament or Congress. The nature of the supply

will always be directed by the demand. It is by overlooking this important distinction, and by attending only to the alleged fact, that the graduates of Colleges do not, after all, monopolize the prizes in science, literature, and public life, that men are led to underrate the influence of the great seminaries of learning. A cultivated taste, a fine appreciation of scholarship, a regard for scientific pursuits, a nice sense of honour, an attachment to existing institutions, are some of the qualities which English gentlemen acquire in these venerable establishments; and, though the education there given is far from being the best possible one, though the *alumni* may often win less distinction in after life, than men of ardent temperaments and brilliant talents, but of irregular training, who start forth from the mass of the people, yet these last would find their progress impeded and their efforts fruitless, if they were not understood, encouraged, and supported by the wealthy graduates of the Universities. A century ago, the aid, thus given, assumed the offensive form of individual patronage, which it has now happily lost, because a taste for literary and scientific pursuits has spread through a larger number, and manifests itself in a more delicate and effectual way.

"In this country, the want of an influential and highly educated class, able to appreciate the studies and productions of scholars, discoverers in science, and laborers in the less popular departments of literature, is likely to be felt in a serious degree. Such a body of men can be trained only in Colleges deserving of the name, where a large and generous scheme of instruction is prosecuted with ample means and lofty aims. An institution, which is intended to be popular in the lowest sense of the term, which is dependent for support on the majority of the people, and must therefore flatter the prejudices and follow the guidance of that majority, cannot send forth graduates, whose acquirements, tastes, and opinions will tend to elevate and refine the feelings and judgments of the community. The utmost they can do will be to preserve the standard of taste and learning where it is; they cannot raise it."

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"American legislatures are far more willing to found new Colleges, than to make any attempt to improve the condition of old ones. Public aid is loudly invoked in the outset; but, as soon as the institution is fairly under way, any censorship, any criticism on its management, any suggestion for its improvement, is apt to be resented as officious intermeddling with the concerns of a Corporation or a Board of Trustees. The establishment ceases to be a public one. Commonly it is in the hands of a sect, or a party. It is supported by their donations, and filled by their children, and any efforts of the public to control it are successfully resisted; — supposing always, that the public ever makes the effort, which it is not likely to do, because no pecuniary or political gain can be expected from the interference. A German University, on the other hand, is the child of the state. It is a great public institution, in the welfare of which the government and the people are as deeply interested, as in the good condition of the finances, the laws, the schools, or the roads. A constant oversight is maintained, and such changes are made in the constitution of the seminary, and such persons appointed to office in it, as the altered circumstances of the times, and the public voice, may require. Though the creature of a despotic government, the institution is eminently a popular one, and as such is controlled by public opinion; for there are no politics in learning and science, and the interests of the constituted authorities, in regard to such establishments, must coincide with the views and feelings of that portion of the people, who are competent to consider and decide upon such matters. Thus the prosperity and the sphere of action of the University are coextensive with the liberal spirit, the enlightened mind, and the powerful resources of the nation to which it belongs. American colleges are generally close, private corporations. Each institution is controlled entirely by its private board of trustees or other officers, and this board is responsible only to the *clique*, the district of country, the political party, or the religious sect, which called it into being. The interests of this party or denomination form the leading object of effort, and to this end the more general and lofty aims of a University are sacrificed. No wonder, that the

institution's sphere of usefulness is contracted, its management wavering, and its influence small.

"But in this country, [the United States,] it is said, there would be danger in committing the direction of a College to the public authorities, among whom the mutations of party, the eagerness to obtain office, the restless spirit of innovation, and occasional fits of parsimony, destroy all harmony of action and uniformity of management. Nothing could be more fatal to the welfare of a seminary, than to convert its offices, which should be the rewards of scientific activity and thorough scholarship, into the prizes of political ambition. We confess, that there is hazard of this kind under a popular government, to which the more stable institutions of the old world are not subject. But, in avoiding this danger, there is no need of rushing into the opposite extreme, and regarding all interference on the part of the community as an encroachment on private right. The people can have no sympathy with an institution, in the management of which their voice is of no weight. Uniformly to repel their criticisms, and reject their suggestions, is to convert them into lukewarm friends or open enemies. The sorest evil of the whole system, the vast multiplication of Colleges, may, among others, be traced to this cause. Men, who were indignant that their voice should never be heard in the management of the established seminaries, have sought to carry their views into effect by creating new ones. Parties and sects, whose attempts at interference have been too hastily rebuffed, have revenged themselves by starting an opposition. What should be a generous emulation in promoting the great ends for which all Colleges are endowed, thus degenerates into a narrow exclusiveness in the dispensation of favors generally, and especially of appointments to office, and a petty contest in obtaining the largest number of students.

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"The rich endowments of the English Universities enable them to hold up numerous scholarships, fellowships, and situations in the Church, as the fit and even magnificent prizes, that await distinguished scholars; and, defective in other respects as the system of

these establishments is, the good actually accomplished by them must be attributed almost entirely to these noble rewards of industry and talent. In France and Germany, numerous and honorable offices in the seminaries themselves and under government are the almost sure recompense of distinguished pupils. In the United States, we have nothing of the kind. A scale of rank, it is true, is kept in the interior of the College; but it becomes known beyond the walls only on Commencement day, when the high standing of a pupil at the completion of his course is felt as a transient pleasure by his relatives and friends, though it is productive of no solid or permanent results. Even the first honors of a class are perceived to be a flattering, rather than profitable distinction, and destined to be soon forgotten. No wonder that many students of considerable ability decline to engage in such a fruitless race, and even refuse the honours when offered to them. But let a sufficient number of scholars be endowed, and the spur would be felt by every member of the institution. The cost of founding one would not be more than one fifth of the expense of establishing a professorship, and the name of the donor would be for ever connected with the most efficient means of promoting the welfare of the seminary, and advancing the interests of letters. To preserve the importance and respectability of the scholarships, they should be rather few in number, than small in profit; but the beneficial effects of their establishment would not be perceived to the full extent, till they were numerous enough to exert an influence through the whole body of the students. Founders who are much interested in a particular science, might confine the benefit of their funds to pupils distinguished only in their favourite study; but the best interests of letters and education require, that the bulk of the prizes should be given for general scholarship. If this scheme could be carried into effect, we believe that a new spirit would be awakened among the students, and a new chapter commenced in the history of American Colleges. The operose machinery of Exhibitions and Commencements, affording very insufficient proof of industry and learning, might be done away, and rigid examinations, closed by the formal award of the merited

scholarships, be the only public, as they are the proper tests of the efficiency of the institution."

Harvard University, at Cambridge, in the neighbourhood of Boston, attracts the particular attention of the North American Reviewer, and he describes its early history and the struggle which took place in the last century between the College or University Corporation and the Government Authorities of the country. This contest terminated in the independence of the Corporation, and the visitatorial power over them was reduced to the mere shadow which it afterwards remained. The College, according to the reviewer, fell entirely into the hands of seven men, who filled the vacancies in their own body, held office for life, and were placed under only a nominal accountability.

"The legislature," continues the North American writer," ceased to cherish an institution, which it could no longer control. It gave a cold approval to the measures of the Corporation, or disregarded its proceedings altogether, or began an active opposition by withholding money, which it was bound to furnish, or by chartering new colleges. In these measures the legislature acted in strict accordance with the feelings of the people, of whom they were the representatives. A small class, composed of the graduates, the immediate friends of the officers, the parents in the vicinity, who had children to be educated, and a few far-sighted observers of the progress of letters and science in the country, continued to wish well to the College, and by all feasible means to aid in its advancement. But the body of the community lost all interest in the progress of the institution, and not a few, in the contests of parties and sects, learned to regard it with suspicion and positive dislike. The College soon assumed too much of the character of a private establishment. It has partaken of the improvements of the age; it has rendered noble services to the cause of learning. But, relatively to the means of the country and the demands of the times, it has declined. It was far beyond what could reasonably be expected in the seventeenth century; it falls short of the impatient spirit and lofty expectations of the nineteenth."

Having thus stated the corporate exclusiveness of Harvard, or

as it is sometimes termed, Cambridge University, it is only fair to that seat of learning, to add, on the authority of Mr. Dickens, that many of the resident gentry of Boston, and a large majority of the professional men of that city are educated there, and that the resident Professors are gentlemen of learning and varied attainments, who would shed a grace upon, and do honor to any society in the civilized world.

Mr. Dickens is of opinion, that much of the intellectual refinement and superiority of Boston is referable to the quiet influence of the University of Cambridge, and when visiting the capital of Massachusetts, he observed with pleasure, the humanising tastes and desires created by this University, the affectionate friendships to which it had given rise, and the amount of vanity and prejudice which it had dispelled.

"Whatever the defects of American Universities may be," remarks that observant author, "they disseminate no prejudices; rear no bigots; dig up the buried ashes of no old superstitions; never interpose between the people and their improvement; exclude no man because of his religious opinions; above all, in their whole course of study and instruction, recognize a world, and a broad one too, lying beyond the college walls."*

* Dickens's American Notes, vol. i. p. 62.

Copy of the Clerical Petition, relative to the subscription to the 39 Articles, signed by 250 clergymen and others, and offered on the 6th February, 1772, to the House of Commons, with subsequent proceedings.*

"To the Honourable the Commons of Great Britain, in Parliament assembled.

"The humble petition of certain of the Clergy of the Church of England, and of certain of the two professions of Civil Law and Physic, and others, whose names are hereunto subscribed,

"Sheweth,

"That your petitioners apprehend themselves to have certain rights and privileges which they hold of God only, and which are subject to his authority alone. That of this kind is the free exercise of their own reason and judgment, whereby they have been brought to, and confirmed in, the belief of the Christian religion, as it is contained in the Holy Scriptures. That they esteem it a great blessing to live under a constitution, which, in its original principles, ensures to them the full and free profession of their faith, having asserted the authority and sufficiency of Holy Scriptures in — 'all things necessary to salvation; so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man that it should be believed as an article of faith, or be thought requisite or necessary to salvation.' That your petitioners do conceive that they have a natural right, and are also warranted by those original principles of the reformation from Popery, on which the Church of England is constituted, to judge in searching the Scriptures each man for himself, what may or may not be proved thereby. That they find themselves, however, in a great measure precluded the enjoyment of this invaluable privilege by the laws relating to subscription; whereby your petitioners are required to acknowledge certain articles and confessions of faith and doctrine, drawn up by fallible men, to be all and every of them

* From the Annual Register for 1772, p. 171.

agreeable to the said Scriptures. Your petitioners therefore pray that they may be relieved from such an imposition upon their judgment, and be restored to their undoubted right as Protestants of interpreting Scripture for themselves, without being bound by any human explications thereof, or required to acknowledge, by subscription or declaration, the truth of any formulary of religious faith and doctrine whatsoever, beside Holy Scripture itself.

"That your petitioners not only are themselves aggrieved by subscription, as now required, (which they cannot but consider as an encroachment on their rights, competent to them both as men and as members of a Protestant establishment,) but with much grief and concern apprehend it to be a great hindrance to the spreading of Christ's true religion: As it tends to preclude, at least to discourage, further enquiry into the true sense of Scripture, to divide Communions, and cause mutual dislike between fellow Protestants: As it gives a handle to unbelievers to reproach and vilify the clergy, by representing them (when they observe their diversity of opinion touching those very articles which were agreed upon for the sake of avoiding the diversities of opinion) as guilty of prevarication, and of accommodating their faith to lucrative views or political considerations: As it affords to Papists, and others disaffected to our religious establishment, occasion to reflect upon it as inconsistently framed, admitting and authorizing doubtful and precarious doctrines, at the same time that Holy Scripture alone is acknowledged to be certain and sufficient for salvation: As it tends (and the evil daily increases) unhappily to divide the clergy of the Establishment themselves, subjecting one part thereof, who assert their Protestant privilege to question every human doctrine, and bring it to the test of Scripture, to be reviled, as well from the pulpit as the press, by another part, who seem to judge the articles they have subscribed to be of equal authority with the Holy Scripture itself: And lastly, as it occasions scruples and embarrassments of conscience to thoughtful and worthy persons in regard to entrance into the ministry or cheerful continuance in the exercise of it.

"That the clerical part of your petitioners, upon whom it is

peculiarly incumbent, and who are more immediately appointed by the state, to maintain and defend the truth as it is in Jesus, do find themselves under a great restraint in their endeavours herein, by being obliged to join issue with the adversaries of revelation, in supposing the one true sense of Scripture to be expressed in the established system of faith, or else to incur the reproach of having departed from their subscriptions, the suspicion of insincerity, and the repute of being ill-affected to the Church; whereby their comfort and usefulness among their respective flocks, as well as their success against the adversaries of our common Christianity are greatly obstructed.

"That such of your petitioners as have been educated with a view to the several professions of Civil Law and Physic, cannot but think it a great hardship to be obliged (as are all in one of the Universities, even at their first admission or matriculation, and at an age so immature for disquisitions and decisions of such moment) to subscribe their unfeigned assent to a variety of theological propositions, concerning which their private opinions can be of no consequence to the public, in order to entitle them to academical degrees in those faculties; more especially as the course of their studies, and attention to their practice respectively, afford them neither the means nor the leisure to examine whether and how far such propositions do agree with the word of God.

"That certain of your petitioners have reason to lament, not only their own, but the too probable misfortune of their sons, who, at an age before the habit of reflection can be formed, or their judgment matured, must, if the present mode of subscription remains, be irrecoverably bound down in points of the highest consequence, to the tenets of ages less informed than their own.

"That, whereas the first of the three articles, enjoined by the 36th canon of the Church of England to be subscribed, contains a recognition of his Majesty's supremacy in all causes ecclesiastical and civil, your petitioners humbly presume, that every security, proposed by subscription to the said article, is fully and effectually provided for by the oaths of allegiance and supremacy, prescribed to be taken by every deacon and priest at their ordination, and by

every graduate in both Universities. Your petitioners, nevertheless, are ready and willing to give any further testimony which may be thought expedient, of their affection for his Majesty's person and government, of their attachment and dutiful submission in Church and State, of their abhorrence of the unchristian spirit of Popery, and of all those maxims of the Church of Rome, which tend to enslave the consciences, or to undermine the civil or religious liberty, of a free Protestant people.

"Your petitioners, in consideration of the premises, do now humbly supplicate this Honourable House, in hope of being relieved from an obligation so incongruous with the right of private judgment, so pregnant with danger to true religion, and so productive of distress to many pious and conscientious men, and useful subjects of the state; and in that hope look up for redress, and humbly submit their cause, under God, to the wisdom and justice of a British Parliament, and the piety of a Protestant King.

"And your petitioners shall ever pray," &c.

This petition was signed by Archdeacon Blackburne, who was probably the author of the celebrated work, entitled, "The Confessional, or a full and free enquiry into the right, utility, edification, and success of establishing systematical Confessions of Faith and Doctrine in Protestant Churches;" and it also received the signatures of the Rev. Theophilus Lindsey, and the Rev. John Jebb, as well as those of Wyvill, Law, Disney, Chambers, and many other men of high consideration in point of talents, learning, and moral worth. It was read to the House of Commons by Sir William Meredith, who spoke in its support, and a spirited debate ensued on the question of bringing the petition up, which was ultimately decided in the negative, by a large majority (217 to 71).

In the course of the discussion, the Hon. Mr. Fitzmaurice said, that "as to the Universities, he believed, that they had a power to remedy any defect of this nature, (probably alluding to the subscription test,) which there might be in their constitution, and he was persuaded, that upon proper application they would be ready to undertake so desirable a work. Why then bring the affair before this House? the step was certainly precipitate."

Lord George Germain declared, with reference to the thirty-nine articles, that it appeared to him "a melancholy thought and indeed a crying grievance, that his son at sixteen must subscribe, upon entering the University [of Oxford] what he himself could not understand, much less explain to him, at sixty. The matter certainly called aloud for redress, and ought alone, as had been justly observed, to determine them to enter into the merits of this petition."*

Mr. Charles Jenkinson commenced his speech, by stating, that "the subscription required from young students at the Universities upon matriculation seemed to have struck the House as the most forcible argument for taking this petition into consideration. But let him ask, have the Universities been properly solicited to grant relief in this case? He conceived not; because if they had, they would in all probability have rectified the abuse. It was said, indeed, that they did not possess the power; but that was said without any authority. The University of Oxford had lately altered its constitution in a much more essential article: it had made a new regulation in the qualification necessary to entitle a man to vote in choosing members of parliament. Having allowed them the power of altering their laws in the greater point, how could they deny it them in the less? Suffer the Universities themselves then to rectify this matter, they had the power and, he hoped, the will; when they failed it would be time enough for them (the House) to take the point into consideration."

Lord John Cavendish declared, that he was sure, that "the articles wanted a revision; because several of them were heterodox and absurd, warranted neither by reason nor by scripture, and savouring strongly of the dark ages, in which the doctrines in them were originally fabricated. For let me tell you, (he continued,) these articles are much older than the Reformation. Many of them are Popish tenets, invented by a crafty priesthood, when they were forging chains for the human mind, and sinking it into ignorance and barbarism, that being masters in spiritual, they might also become lords and masters in temporal concerns. What

* Cobbett's Parliamentary History of England, vol. xvii. p. 266.

else but this idea could have tempted them to establish at our Universities such a shocking practice as that which has been just now exposed? They acted like true monks, who inveigle into their order young and inexperienced persons, who, they well know, will, after once swearing, be ashamed to recant, or even murmur their dissent, for fear of such reflections as have just now been cast, and unjustly cast, upon the petitioners. For my own part, (he said,) as I am for allowing men a freedom of thought in politics, so am I for granting liberty of conscience in religion. I would not expel a man from this House, because he differs from me in opinion about public affairs. Why should I not follow the same rule in theological matters? We admit of dissenters in this house; and yet I do not find that the indulgence has done us much injury. Methinks the same reasoning is applicable to the Church. Men's faces are not more different than their minds. No two persons can agree entirely in opinion; and indeed the same individual cannot boast of much uniformity in this particular. Infancy, youth, manhood, and old age, bring each along with them their peculiar notions and habits; and the body is not in a more constant state of change than the mind. Why then should we be so rigid in exacting a conformity in sentiment, which is in the nature of things impossible? We should allow of a discreet latitude of opinion, and bring things as much as possible into the channel of nature, whom no body ever neglected with impunity. Instead of shutting our church we should open her doors as wide as possible, and not put it in the power of any man to say that strait is the way and narrow is the path which leads into her bosom."

Mr. Solicitor General Wedderburn thought "the petition ought not to be complied with, but he should vote for receiving it, for at that present time, it was not before the House, and he did not regularly know the prayer. The Universities, which were to prepare them for all the learned professions, and to make persons fit members of parliament, ought to be under parliamentary cognizance, if they did not take care to reform themselves. He could not conceive but a prescription was equally efficacious, and

A NEW CONVOCATION HOUSE IN THE CONVOCATION ROOM
BEFORE THE VICE CHANCELLOR AT OXFORD, 1842.

proper to be followed, whether the physician had signed the articles, or not."

One important result of the parliamentary debate of the 6th February, 1772, was manifested in the following proceedings with reference to the University of Cambridge.

"It appeared, (remarks Dr. Jebb,)* to be the sense of the majority of the members of the House of Commons, who spoke in the debate of February 6, 1772, upon the merits of the clerical petition, that the Dissenters ought to be relieved from the imposition of subscription; and that the practice should be abolished at both the Universities.

"In consequence of the general persuasion of the impropriety of the requisition [of this subscription], the Duke of Grafton (Chancellor of the University) and the Bishop of Peterborough wrote to the Rev. Dr. Brown, the Vice-chancellor of Cambridge, assuring him that it was the wish of the friends of the University, that subscription to the thirty-nine articles of the Church of England, at least as far as respected lay degrees, should not any longer be required.

"A gentleman of character and considerable standing in the University, observing the disposition of the resident members to be inclined to a relaxation, proposed a grace for the appointment of a committee to draw up a state of the case; and to consult counsel about the power of effecting the alteration; as doubts had arisen whether statutes, which in their formation seemed to have a mixture of royal authority, could be rescinded without a formal application to the King.

"An account of the illiberal treatment that gentleman met with from the Vice-chancellor and some of the heads of houses would swell my narrative beyond all reasonable bounds. Let it suffice to observe that, after much altercation, a grace did actually pass the house, for the appointment of a committee; that the case was stated; that Mr. Thurlow, Mr. Wedderburn, Mr. Jackson, and Mr. Cust, were consulted upon the subject; that the last gentleman had doubts about the power, but that the three former

* Jebb's Works, vol. iii. p. 222.

were clear and express in their opinion, that academical subscription, in every instance wherein it was now required, could be utterly abolished by a vote of the Senate of Cambridge."

Much time, (according to Dr. Jebb,) elapsed between the declaration of the Duke of Grafton, and the report of the counsel, to whom the University had applied, and in this interval, the bill for the relief of the Dissenters had been rejected in the House of Lords. "The intolerant spirit then broke out in all its fury. It was the general cry, that the University would be ruined by an influx of the Dissenters. It was resolved, that subscription, even in the case of the first degree, should still be rigorously insisted on; and further regulations were talked of, tending to drive the Dissenters entirely from the University."

A change, however, in party feeling took place at the University, and with the aid of the Vice-chancellor and some other persons, the following declaration was devised, as a substitution for the subscription to the thirty-nine articles of the Church of England, in the case of candidates for the first degree in arts; and a grace for its establishment, at the instance of the Vice-chancellor, passed the Senate:

"I do declare, that I am 'bonâ fide,' a member of the Church of England, as by law established."

Dr. Jebb observes, that the authors of this grace frequently explained themselves, in private conversation with the anti-subscriptionists, as if they intended nothing but a declaration of conformity, but if this were their intention, Dr. Jebb asks, why they did not choose the parliamentary form to which all fellows of Colleges are, at present, (by the Act of Uniformity of 1662,) required to subscribe, and which runs as follows:

"I, A. B., do declare, that I will conform to the Liturgy of the Church of England, as it is now by law established."

"This is a declaration," says Dr. Jebb, "which alludes to a plain fact, viz., the act of appearing at, and conforming to, the established worship; and the legislature presumes, that the person consenting is a member of the Church of England, without further ceremony. But this would not serve the purpose of our subtile subscriptionists."

When Dr. Tillotson, in 1689, drew up concessions for the union of Protestants, which he sent to the Earl of Portland by Dr. Stillingfleet, he suggested in his paper,* that "instead of all former declarations and subscriptions to be made by ministers, it shall be sufficient for those that are admitted to their ministry in the Church of England, to subscribe one general declaration and promise to this purpose, viz.: —

"'That we do submit to the doctrine, discipline, and worship of the Church of England, as it shall be established by law, and promise to teach and practice accordingly.'"

This declaration had been obviously intended solely for clergymen of the Church of England, and would therefore have been too professional for the variety of students, who are annually admitted to graduate at the University of Cambridge, but some idea of the new form may possibly have been derived from it, and the petition of a numerous body of undergraduates presented to the Vice-chancellor, in December, 1771, and praying for a release from the necessity of subscribing the thirty-nine articles of religion, at their first degree, may also have been consulted by the University authorities, in the preparation of the new form.

A copy of this petition† has been preserved in Dr. Jebb's works, in the notes to letters originally published in 1771, and addressed "to the gentlemen of the University of Cambridge, who intend proposing themselves, the ensuing January, as candidates for the degree of Bachelor of Arts." The petition was presented by Mr. Crawford, Fellow Commoner of Queen's College, and was thus worded: —

"To the Vice-chancellor and Senate of the University of Cambridge; the humble petition of certain undergraduates in the said University,

"Sheweth,

"That your petitioners apprehend themselves, in consequence of engagements entered into with the University at the time of their admission or matriculation, to be under an obligation of devoting

* See Cardwell's Conferences, p. 412. † Jebb's Works, vol. i. p. 208. Letters of Paulinus.

their attention to that course of studies, which is recommended to them by their superiors; that they are expected to employ themselves in the pursuit of natural and metaphysical knowledge; to improve themselves in moral philosophy, and to acquaint themselves with the sentiments and language of those authors who in their time were esteemed the greatest ornaments of Greece and Rome; that, in consequence of this multiplicity of academical engagements, they have neither the leisure nor the opportunity of inquiring into the abstruser points of theology; that they nevertheless find themselves under a necessity of declaring their unfeigned assent to a set of theological propositions, usually called 'the thirty-nine articles of religion,' apparently of high argument and great importance; or of subjecting themselves to a repulse in their petition for a degree, which they have endeavoured to qualify themselves for, with much trouble and at no little expense. Your petitioners, therefore, entreat, if such indulgence can be granted to them without infringement of the University statutes, that they may be released from the necessity of testifying their assent to the aforesaid propositions; or, that such timely assistance may be afforded in their respective Colleges, as will enable your petitioners to satisfy their consciences in subscribing them.

"And your petitioners shall ever pray, &c."

On the 13th of January, 1772, Mr. Crawford, on behalf of the petitioners, went to the Vice-chancellor, to request an answer to this petition of the undergraduates, and addressed him in this manner: —

"Mr. Vice-chancellor,

"I wait upon you again concerning the petition of the undergraduates, and would beg to be indulged with a few moments hearing. We have received as yet no direct answer to our petition, which, with great submission, we think deserves one. It has been intimated to us, however, that it is thought improper to grant us our request at this time, lest those in authority in the University should be said to favour the petition of the clergy. We have been told that after that is presented to Parliament we may expect relief. Our petition we think to be quite independent of the petition

of the clergy. We beg that our subscription to the articles may be dispensed with, not because we object to any of them, but because we have not had an opportunity to study them. You must consider, sir, that there are some who have subscribed their names, who are to take their degrees in a few days; they, therefore, claim an immediate relief. The most zealous advocates of the Church will not impute to you a desertion of its cause, by granting our request; for all mankind, with one voice, cry out against the imposition we speak of as absurd and illegal, which an arbitrary Stuart, in the wantonness of his power, had pleased to establish in the University. What answer, sir, shall I carry back to the rest of the subscribers?"

The Vice-chancellor then said, that "there were many names erased in the petition, that some others were also willing to erase theirs, and that he had not power to grant the petition."

Mr. Tyrwhitt had offered a grace at Cambridge, on the 6th of December, 1771, to excuse gentlemen who were candidates for the degree of Bachelor of Arts from subscribing the thirty-nine articles, but the grace was unanimously rejected by the Caput, and this appears to have been done for the reason stated in the General Evening Post, of the 7th December, 1771,* which is called "the same reason as before," and is thus given as a quotation, "that the University had no power of making so material a change; and that the times were not favourable to so great an undertaking, which required the slow and wise deliberations of the supreme legislature, not the partial determinations of a few academics."

Dr. Jebb, who was a zealous opponent of subscription to the articles, terms the new form of subscribtion a "jesuitical substitution for subscription to the articles,"† and he praises the conduct of Mr. Thomas Blackburne, of Peterhouse, Cambridge, in refusing to bear testimony to the truth of the Athanasian creed, which creed every professing member of the Church of England, (he says,) avows as one of the formularies of his faith. [?]

* Jebb's Works, vol. i. p. 209. In the rejection of the similar grace on the 11th June, 1771, no reason is said to have been assigned, when the Caput prevented the grace from coming before the body of the University. *Ibid.* (p. 202.)

† Jebb's Works, vol. iii. p. 211.

Mr. Thomas Blackburne was the second son of Archdeacon Blackburne, and after having been educated at Richmond, in Yorkshire, and at the Charter-house, was admitted a student of St. Peter's College. In January, 1773, after having passed the usual examination in his own College, and in the Senate-house, he applied for the degree of Bachelor in Arts, and was rejected. His testimonials and qualifications are thus described by Jebb:*— "At the close of the examination, in his own College, the master signed a paper, importing that Mr. Blackburne, with two other persons, had resided for the major part of such a number of terms as the statute requires. A grace for his degree was then passed in College, which implies an approbation of his moral conduct, and proficiency in learning. He appears in the Senate-house at the customary hours of examination; and, as he was a youth who had greatly distinguished himself in all the previous exercises, is particularly noticed during the time of trial. He passes through that trial with applause; and, in the judgment of the moderators and all the examiners, is declared worthy of one of the first honours which the University is wont to bestow upon approved merit. At the close of this examination, when nothing now remained, but what is too frequently regarded as mere form and ceremony, the conscientious young man hints to the master and tutor of his College his objections to the declaration in question, and delivers into their hands the following declaration: —

"'I, Thomas Blackburne, do hereby declare my full persuasion of the truth of the Christian religion, as exhibited in the Scriptures; that I have hitherto communicated with the established Church, and have no present intention of communicating with any other.'

"His 'supplicat,' or petition, for his degree is next presented to the Caput; the subscription-book is called for; and, his name not appearing in its place, the Vice-chancellor refuses to read his supplicat, and he is, consequently, repelled from his degree.

"It is in vain for the parties concerned in the rejection to urge, that as the regulation stands at present, Mr. Blackburne is statutably rejected. The question is asked, and it is a question which

* Jebb's Works, vol. iii. p. 228.

cannot be answered to the honour of the University, why was not a grace immediately proposed for the amendment of this informal regulation, as a fact had shewn, that it was capable of being interpreted in a sense different from that which the imposers themselves would be understood to mean?

"There would have been a peculiar propriety in the passing of such an amending grace, as more than one of the former grace-makers were then in the Caput. But humanity, integrity, and honour, in vain pleaded in behalf of the conscientious sufferer. He is now retired from the University; and, after near four years residence, after he had done credit to his College and his friends, by a remarkably steady and uncommonly virtuous demeanour; after he had been honoured by incontestible marks of academical approbation, with respect to his literary accomplishments, he is compelled to resign the fruits of his many labours, and to retire from the University, as if unworthy of its favours.

"The circumstances of the case are more aggravating, as a degree was some days afterwards conferred upon two persons, a certificate for whose sufficiency in learning, one, if not both of the moderators had refused to sign. And the consequences are still more to be lamented, as a fellowship hath lately fallen in his College, to which there is every reason to suppose Mr. Blackburne would succeed, if he could be persuaded for a moment to let go his integrity."

10. *Conclusion.*

Gratitude is due to Professor Huber, for the large store of valuable historical observations which he has collected together respecting the Universities of this country, as well as for the extreme care and labour with which he has inquired into and recorded the working of the University constitutions. His book, after having been translated by Mr. Simpson, is now introduced to the English public, under the talented editorship of Professor Newman, whose sentiments on the great University questions, to which he has alluded in his preface and in his notes, are well worthy of general consideration.

Illustrations of some of the most interesting academical customs and ceremonies have been added from the spirited and original drawings of Mr. Buss, of Warren Street, Fitzroy Square, London. These drawings have been ably lithographed by Messrs. Day and Haghe, and by Mr. Hullmandel, or engraved, with skill, by Mr. Adcock and Mr. Henry Shaw. Other illustrations of remarkable University personages have been lithographed, either from the drawings of Mr. Buss, as in the case of Wolsey and Newton, or from good engraved portraits. A few architectural views, from drawings by Mr. Mackenzie and Mr. Harraden, have been included, that the venerable appearance of the ancient Universities may be in some degree appreciated by those who are not familiar with it, but the recently published engravings of Le Keux in the Memorials of Oxford and Cambridge, and the works of Ackermann and others have already supplied ample specimens of the monastic and collegiate exterior of the great English Universities.

Any one, who has resided within the walls of the once almost monastic Colleges of Oxford or Cambridge, will probably consider that the internal state of their undergraduate colonies at the present day partakes largely in the prevalent tastes of the greater world around them. Human nature does not become essentially altered from the wearing of a dark robe or a white surplice, and the love

of display, the love of pleasure, the ambition of rising in station, and the energetic achievement of conquests over difficulties, characterize the great national seats of learning, as much as the general tone of English society.

Practical reforms are, however, from time to time, needed, to invigorate antiquated institutions; and it is to be hoped, that this work may assist in leading public attention to consider the mode in which the Universities have arrived at their present state, and to devise a practical plan of University enlargement.

When the bill for the admission of Dissenters to academical degrees, at Oxford and Cambridge, passed the House of Commons, in 1834, and was thrown out in the Lords, it was opposed by a majority of the ruling assemblies in each of those Universities, and the clergy, who constitute the greater part of the members of the Convocation at Oxford, and of the Senate at Cambridge, may now very possibly be still less inclined to open degrees, than they were, nine years ago: ancient corporations seem to have an historical right to resist reform, and it is fortunate, that the minority, who would gladly aid in opening these Universities are generally men of at least equal scientific or literary talent with the majority of their contemporaries in either University.

Among the statesmen who gave their sanction to the partial opening of the Universities, in the debates of the House of Commons, in 1834, one of the most eminent was Lord Stanley: he held the question to be of the highest political expediency, in what manner religious instruction was given at the Universities, because they were inaccessible to a large proportion of the people, who must necessarily derive their knowledge from the pastors who were educated at the Universities, and he looked on the subject then before the House, as referring to the encouragement of Dissenters to send their sons to the Universities, that they might see and participate in the liberal education of the gentry of the country, without interfering in any way with the system of moral and Christian instruction. In the course of an able speech, he addressed the following impressive remarks to the House: —

"If they could, by the removal of the tests of admission, as

they at presented existed, prevail upon the Dissenters to overlook what was objectionable in the Universities, by adopting a mild course of concession, they would confer a great benefit, not only on the Dissenters, but on those attached to the Church of England, not only on the ministers of either doctrine, but on the whole community. They would soften the religious animosities which had prevailed between the two parties, bring into one common education, and that not an irreligious education, the various classes of Dissenters, and thereby cause the Churchman and Dissenter, by early association, to form those habits of friendship which would prevent them from breaking out in after life into political or theological asperities." *

Lord Stanley, in an earlier part of the same speech, had expressed his concurrence in the principle laid down in the Cambridge petition, which had been couched in the most moderate language possible, and which had declared "the expediency of introducing, as far as it could be done, with safety to the interests of the Established Church, all Protestant Dissenters whatever, as well as those professing the Catholic religion, to a participation in the civil privileges and benefits of the two national Universities." †

The Cambridge petition, here referred to, had been signed by sixty-two resident members of the Senate of that University, and had been presented in March, 1834, to the House of Lords, by Earl Grey, and to the House of Commons, by Mr. Spring Rice, now Lord Monteagle; its prayer to the Commons was as follows:

"To the Honorable the House of Commons of the United Kingdom of Great Britain and Ireland: the humble petition of the undersigned resident Members of the Senate of the University of Cambridge,

"Sheweth,

"That your petitioners are honestly attached to the doctrines and discipline of the Church of England, as by law established, and are well persuaded of the great benefits it has conferred and is conferring upon the kingdom at large. They beg leave also to declare their sincere attachment to the University of Cambridge;

* Hansard's Debates, vol. xxiv. p. 684. † Ibid, p. 682.

grounded upon its connexion with the established religion of the country, and upon a conviction of the wholesome effect it has produced on the learning, piety, and character of the nation. Strongly impressed with this conviction, they would humbly submit to your Honourable House their belief, as Protestant Christians, that no civil or ecclesiastical polity was ever so devised by the wisdom of man as not to require, from time to time, some modification from the change of external circumstances or the progress of opinion.

"In conformity with these sentiments, they would further suggest to your Honourable House, that no corporate body like the University of Cambridge can exist in a free country in honour and safety, unless its benefits be communicated to all classes as widely as may be compatible with the Christian principles of its foundation. Among the changes which they think might at once be adopted with advantage and safety, they would suggest to your Honorable House the expediency of abrogating, by legislative enactment, every religious test exacted from members of the University before they proceed to degrees, whether of Bachelor, Master, or Doctor in Arts, Law, or Physic. In praying for the abolition of these restrictions, they rejoice in being able to assure your Honourable House that they are only asking for a restitution of their ancient academic laws and laudable customs. These restrictions were imposed on the University in the reign of King James the First; most of them in a manner informal and unprecedented, against the wishes of many of the then members of the Senate, during times of bitter party animosities, and during the prevalence of dogmas, both in Church and State, which are at variance with the present spirit of English law, and with the true principles of Christian toleration.

"Your petitioners conscientiously believe that, if the prayer of this petition be granted, the great advantage of good academic education might be extended to many excellent men, who are now, for conscience sake, debarred from a full participation in them, though the true friends to the institutions of the country. And your petitioners are convinced that this is the best way at once to

promote the public good, and to strengthen the foundations of the civil and ecclesiastical establishments of this realm.

"The University is a body recognized by the law of England as a Lay Corporation, invested with important civil privileges, and on that account resting on no secure foundation which is not in harmony with the social system of the State. Your petitioners, therefore, humbly beg leave to suggest that, as the legislative bodies of the United Kingdom have repealed the Test Act, and admitted Christians of all denominations to seats in Parliament, and to places of dignity and honor, they think it both impolitic and unjust that any religious test should be exacted in the University previously to conferring the civil advantages implied in the degrees above enumerated.

"Lastly, your petitioners disclaim all intention of hereby interfering, directly or indirectly, with the private statutes and regulations of individual Colleges, founded, as those Colleges are, on specific benefactions, and governed by peculiar laws, of which the respective heads and fellows are the legal and natural guardians.

"To the several clauses of this petition, the consideration of your Honorable House is humbly, but earnestly, entreated." *

In subjects of party controversy, the arguments on both sides ought to be taken into consideration, and, as many of the members of the Senate of the University of Cambridge were opposed to the admission of Dissenters to degrees, they sent up a counter petition, which was presented in April, 1834, to the Lords, by the Duke of Gloucester, Chancellor of the University, and to the Commons by Mr. Goulburn, M. P. for the University. This petition against the Dissenters' claims had received the signatures of two hundred and fifty-eight members of the Cambridge Senate, of whom the greater part were described by Dr. Lamb as non-resident. Indeed the total number of signatures to the two petitions had greatly exceeded the usual number of the resident members of the University Senate, which will be manifest by a reference to the statistical table of residents, in May, 1841, (see page 508 of this volume.)

* Lamb's Documents, p. lviii.

where the number of the resident members of the Senate at Cambridge is thus given: —

11 Heads of Houses.	62 Signatures to Dissenters' Petition.
2 Vice-Masters.	
132 Fellows, M. A., and above that degree.	258 Signatures to counter Petition.
15 M. A. and above, not on the Foundation of any College.	
160 Total number of Resident Members of the Senate.	320 Total number of Signatures.

Non-residents, however, naturally take a warm interest in great political questions, and there may have been a few residents omitted, whose names might not have been on their College hall-boards, but the words "resident members" should be here understood as referring to members of the Senate who were at that time present in Cambridge.

The prayer of the petition against the Dissenters' claims was thus worded: —

"To the Honourable the House of Commons of the United Kingdom of Great Britain and Ireland: the humble petition of the undersigned resident members of the Senate of the University of Cambridge,

"Sheweth,

"That your petitioners have learned, with the deepest concern, that a petition from certain resident members of the Senate of this University has been recently presented to your Honourable House, praying for the abrogation, 'by legislative enactment,' of 'every religious test exacted from members of the University before they proceed to degrees, whether Bachelor, Master, or Doctor in Arts, Law, or Physic.'

"That, in the judgment of your petitioners, a compliance with the prayer of the aforesaid petition, must have the effect of admitting into the several Colleges, persons whose religious opinions are avowedly adverse to the tenets of the Established Church, and possibly opposed to the truth of Christianity itself; and that under such circumstances, the maintenance of any uniform system of wholesome discipline, or sound religious instruction, would, as your petitioners are firmly convinced, be utterly impracticable.

"That notwithstanding the assertion of those petitioners, that they are only asking for a 'restitution of their ancient academic laws and laudable customs,' your petitioners beg leave to assure your Honourable House that a conformity to the doctrine and discipline of the Established Church has been required from all members of the University according to their several orders, both by its own laws and the statutes of the realm, ever since the time of the Reformation, except during the calamitous period of the overthrow of the Church and Monarchy in the middle of the 17th century.

"That the tests now sought to be removed appear to your petitioners to have been originally introduced, and, after the Restoration, re-established in a manner similar to that in which various other statutes and ordinances have been given, by royal authority, for the government and good order of the University.

"Your petitioners, therefore, humbly and most earnestly pray that your Honourable House will not lend its countenance to the changes suggested in the petition above referred to, and thus, in effect, formally recognise and sanction dissent from the Established Church within the University itself; but will strenuously endeavour to preserve inviolate that constitution of the University under which it has so long ministered to the public good, and has now for many years been enjoying, by the Divine favour, uninterrupted internal peace and continually increasing prosperity."

Lord John Russell most judiciously informed the House of Commons, during the debate on the University question, that "Dissenters of all denominations had for a long time been admitted into the University of Cambridge, and that at that time, in 1834, the son of the Earl of Surrey, and others, who were Dissenters, were at the University." No practical inconvenience had, in his opinion, resulted from the admission of Dissenters into the University of Cambridge. "The only difficulty," he continued, "was when they were about to leave the University. They were then told, that although they had been there for three or four years, and although they had acquired what proficiency soever they might in the various studies of the University, and had

adhered with what regularity soever they might to the regulations of the University, they should not receive the degree to which their proficiency in knowledge and their good conduct fully entitled them."

About two years after these debates, (in 1836.) Mr. Aldam, of Trinity College, who was at that time a member of the society of Friends, and is now M. P. for Leeds, obtained the distinguished place of fourth wrangler at Cambridge, and did not take his B. A. degree; in the succeeding year, (1837,) Mr. Sylvester, of St. John's College, a Jewish gentleman, obtained the still higher place of second wrangler, in the same University, and also declined to take his B. A. degree, on account of the religious tests: he was however desirous to compete for the two annual prizes of £25 each, left to the University by the Rev. Dr. Smith, formerly Master of Trinity College, Cambridge, for the best proficients in Mathematics and Natural Philosophy, among the commencing Bachelors of Arts. These Smith's prizes have a purely scientific value far above their pecuniary amount, on account of the severe mathematical examination which it is requisite to pass in order to obtain them, and the second wrangler of any year may generally be considered to have a good chance of success in that examination.

Mr. Sylvester applied to the Vice-chancellor of the University for leave to enter the examination for the Smith's prizes, but this permission was not granted to him, and the third wrangler of that year obtained the second prize, which generally falls to the lot of the second wrangler. According to the statutes, the Vice-chancellor was probably right, but the statutes themselves are only partially adapted to the actual state of the University, and the unfortunate occurrence of party politics may render some of those members, who are possessed of high authority, unwilling to exercise it, whenever an unstatutable stretch of power may be construed into the slightest movement to aid the progress of one who does not belong to their Church.

Practical reforms in various departments of the University have been recently presented to public notice in the able work of the Dean of Ely on the Cambridge statutes; and many of the

peculiarities of University customs are there explained and illustrated with great clearness and originality.

At the present time, the strictest impartiality characterizes the examinations both of the University and the Colleges: no questions are asked about the Church of England students or Roman Catholic students, or Dissenting students, and the rewards, which are accessible to all, are faithfully distributed to the most deserving. In Trinity College, Cambridge, Dissenters have been repeatedly candidates for the scholarships, and, occasionally, they have obtained these honorable rewards of merit. The class lists of the Colleges and the mathematical honors of the University are still more open than the scholarships, for there are no oaths of bygone days to be sworn to, in the comparatively recent system of annual examinations and of mathematical or classical papers. Students generally are now placed, according to merit, in fellowships, which were formerly intended exclusively for divinity students, and it has been found, that both the University and the Colleges have alike prospered by the large numbers of young men, who have been attracted to several Colleges, from the liberal manner in which the ancient ecclesiastical restrictions of College statutes have been either interpreted, or allowed to rest in tranquil oblivion, in modern times.

With respect to the future, the great questions of University education relate to the settlement of the best plan for the instruction and moral training of the rising generation, and the proper regulation of time, residence, and examinations. Long apprenticeships of seven years' study for the degree of Master of Arts have been given up, for at least two hundred years, and the Dean of Ely most wisely recommends the keeping of terms, at the University, for three years and a quarter, to be abridged to the more moderate period of three years, for the degree of Bachelor of Arts.

Instead of obliging the students to commence a fourth year of residence in the University, the learned Dean would advise the final examination for the ordinary B.A. degree, as well as the examinations for the mathematical and classical triposes to take place in the midsummer term of the third year, and he would have the

degrees conferred, immediately after the conclusion of the examination.

"The adoption of such a scheme," observes the Dean, "would afford three academical years for those preparatory studies which the University has most wisely adopted as the basis of a sound education, whether designed for general or professional objects; it would tend to equalize the population of the University; it would afford additional time for the pursuit of professional studies after the first degree, the general neglect of which is now so just a topic of complaint and so injurious to the credit and interests of the University.

"It would be no sufficient objection to the adoption of this plan, that it would tend to lower the standard of the mathematical, philosophical, or classical attainments of the more distinguished students at the time of their graduation; for it is less the proper object of academical education to complete the fabric of human knowledge, than to provide a firm and secure basis on which it may be raised. And it may be safely asserted, that there is no department of knowledge, the elements of which may not be completely mastered in a shorter period than that which we have proposed as the ordinary limit for the completion of such a preparatory course of academical education."*

The Dean of Ely states in a note, that in many instances, the ordinary studies of the University would not terminate at the degree, but "would continue to be prosecuted, as they are at present, whether from a simple love of knowledge, or as preparatory to the acquisition of further honors or appointments in the University or elsewhere."

At Trinity College, and St. John's College, Cambridge, separate examinations are held of the candidates for fellowships, and the reduction of the highest amount of mathematical or classical knowledge required at the time of the B.A. degree need not affect the public estimation of the College fellowships of those two splendid institutions, or the quantity of learning expected from the candidates

* Observations on the Statutes of the University of Cambridge, by the very Rev. George Peacock, D.D., Dean of Ely; p. 152.

at their fellowship examinations. But the authorities in the smaller Colleges of the University generally bestow their fellowships on those candidates of their own societies, who have obtained the highest places in the mathematical or classical tripos, and the reduction of the severest trials of the first degree may possibly prepare the way for a combination of several small Colleges into one consolidated body, for the purpose of holding regular fellowship examinations, similar to those now maintained with so much advantage in the principal Colleges.

To the large class of students, who merely go to the University for an ordinary degree, the reduction of the time of residence will be most important, both in lessening the chances of idleness and extravagant expenditure, and in enabling them, at an earlier period, to commence their professional studies, whether for the church, the bar, the senate, or any other occupation.

For all non-reading men of average ability, the time of two years and a quarter, which is allowed to young noblemen, would be amply sufficient to prepare them for the ordinary examination for the B. A. degree.

An exclusive rule still prevails at Cambridge, obliging the candidates for classical honors to obtain mathematical honors, before they can be permitted to enter the examination for the classical tripos, and the privilege of entering the classical tripos examination, after having passed the ordinary B.A. examination, is only granted to young noblemen. It is, however, now high time, that this aristocratic privilege should be extended to the students, generally, of the University: many of the most distinguished classical scholars of Eton and other public schools do not happen, by birth, to be entitled to this indulgence, and the preliminary of a severe mathematical examination is frequently so little congenial to their literary tastes, that the University of Oxford is preferred to Cambridge on account of the superior advantages there bestowed on classical attainments. Expediency might indeed recommend the opening of the classical tripos to all undergraduates and the attachment of the classical scholars of Eton would thus probably be revived towards the University of Cambridge.

The plan for the reduction of the time of residence for the degree of Bachelor of Arts at Cambridge was advocated, by Bishop Maltby, in 1834, at the time, when he held the see of Chichester, and this learned prelate especially alluded to this plan, as well as to the admission of Dissenters into the Universities, in his charge to the clergy of the Archdeaconry of Lewes. He was naturally anxious for an amicable settlement of the Dissenters' question, and he wished, if possible, to avoid legislative interference, by shortening the ordinary term of study, and then setting apart a subsequent examination for the students who intended to be candidates for holy orders. His views, on this subject, were expressed in the following manner: —

"As to the claim of admission into our Universities, far more desirable is it, that it should be amicably settled between the parties immediately interested than become a matter of legislative interference. Involved, as the question is, in extreme difficulty, yet I should be sorry to find the difficulty insuperable. Perhaps, indeed, after due consideration, it might not be found impossible to frame provisions by which those who are not members of the Establishment should obtain degrees in all the faculties, excepting theology, without detriment to the interests either of the established religion or of the Universities. In some respects, both might be benefited, as a separate examination might be instituted for students in theology, which would prepare them much more suitably than they are in general now prepared, for admission into holy orders. My notion is shortly this, and it is not one which I have taken up as an expedient for getting rid of present difficulties, but which I have entertained after long and serious consideration.

"Instead of admission to the degree of B.A. in the January term, it might take place in the June preceding. Then, such young men as are looking forward to lay professions and employments might betake themselves without loss of time to their destined occupations; while such as were intended for the ministry should have a course of study laid down, to which they might apply themselves diligently till the ensuing spring or summer. They should then repair to their respective Universities, and there

undergo an examination. Unless they acquit themselves to the satisfaction of their examiners, no College testimonials for orders should be granted, nor should they be permitted to appear as candidates before any bishop. Whether this or any other arrangement be judged expedient for the very desirable object of extending to Dissenters the facilities of obtaining knowledge which are possessed by ourselves; it might perhaps appear more advisable that such suggestions should be addressed to the Universities than to a meeting of parochial clergy. But the close connexion of the subject with the great questions now agitated, and the vital interests at stake, as well as the advantage which would be derived from a purely professional examination in the University for holy orders, justify me in offering them to your attentive consideration; even if they be not appropriate to one of the main objects of our meeting."*

The reviewer, who has quoted these excellent words of advice, proposes an additional improvement, which has long been in practice at Cambridge, and might probably be adopted, with advantage, at Oxford, that the examination in the rudiments of religion should be limited to Paley's Evidences of Christianity, with one of the historical books of the New Testament, and he also suggests that the divinity department might be separated from the rest of the examination, and on one or other of these plans, he considers, that the difficulty with respect to students who do not profess the creed of the Church of England may be entirely removed.

Some indulgence is, however, required for conscientious students, who may object to attend the Church of England services in the College chapels. A Turkish student, at Trinity Hall, Cambridge, was recently allowed to absent himself from chapel in that College, but a Jewish student, of the noble family of Rothschild, was compelled, within the last few years, to attend the ordinary Church of England services, in the chapel of Trinity College, Cambridge, and search was vainly made in that University for a College, in which the master would grant him an exemption from the obligation to attend chapel services. In the sixteenth and

* From the Quarterly Journal of Education, vol. viii. p. 273.

seventeenth centuries, the attendance at the College chapels was regarded as a test of attachment to the Established Church of the country, and as one means of excluding dissidents from Universities; it still forms a part of College discipline.

The Act of Uniformity (of 1662) does not specifically mention the compulsory attendance of the students of either University, at the College chapels, and it may have been intended, to leave this department of discipline to the College rules: the fellows were however obliged by this act to subscribe a declaration of conformity to the Liturgy. At the present day, in Trinity College, Dublin, the Provost of the College liberally grants leave for dissenting or Roman Catholic students to absent themselves from the services of the Church of England, in the College chapel, and a similar indulgence should be granted by the heads of houses at Oxford and Cambridge.

In Trinity College, Cambridge, and probably in all other colleges of that University, the attendance at the sacrament is now voluntary, except in the case of the students who propose afterwards to apply to the College authorities for testimonials for Deacon's orders, and who are, on this account, still liable to be disappointed of the College testimonials, unless they have previously attended at the sacrament in the College.

Subscription tests, which still remain for matriculation and for all degrees at Oxford, as well as for all degrees at Cambridge, may be considered as a species of representative of the old sacramental test, which was formerly directed as a proper qualification for civil offices in this country: these different tests were in fact each intended to be declarations of Church-membership, and the advantages of the corporation or magisterial offices, in the one case, and of the degree or the matriculation in the other, were intended to be restricted solely to members of the Church of England. But it was found, that Dissenters occasionally manifested no repugnance to partake of the sacrament, as a qualification for office, and the ecclesiastical subscription test was, in like manner, from time to time, signed by Dissenters, as a mere form, which stood in the way of their University degree.

Public opinion, however, and the legislature of the country have already signified their disapprobation of the sacramental test, by repealing the exclusive acts of Parliament which had enforced it, and the Parliament passed an act in 1828, that in the place of the sacramental test, for the various offices enumerated in the act, a certain declaration should be signed, which may be considered as a compromise between the total repeal of tests and the maintenance of the exclusive system.

By this sacramental test repeal act, (9 Geo. IV. c. 17,) it was enacted that "every person who shall hereafter be placed, elected, or chosen in or to the office of mayor, alderman, recorder, bailiff, town clerk, or common councilman, or in or to any office of magistracy, or place, trust, or employment relating to the government of any city, corporation, borough or cinque port, within England and Wales or the own of Berwick-upon-Tweed, shall, within one calendar month next before or upon his admission into any of the aforesaid offices or trusts, make and subscribe the declaration following: —

"I, A. B., do solemnly and sincerely, in the presence of God, testify and declare, upon the true faith of a Christian, that I will never exercise any power, authority, or influence which I may possess by virtue of the office of ———— to injure or weaken the Protestant Church as it is by law established in England, or to disturb the said Church, or the bishops and clergy of the said Church, in the possession of any rights or privileges to which such Church, or the said bishops and clergy, are or may be by law entitled."

When this form was first introduced into the House of Commons, the phrase, "Upon the true faith of a Christian," which still excludes some of the most wealthy and patriotic Jews from office, did not form a part of the declaration, and these words are said to have been introduced into it, by the House of Lords, but as soon as any compromise can be effected, with respect to tests at Oxford and Cambridge, the substitute for the existing tests ought to be, at least as comprehensive as the declaration of the House of Commons, in its original form.

Long continued resistance of the most reasonable modification of

existing tests will probably lead, at some time or other, to the appointment of a Royal Commission, to visit the Universities, which in itself would be a most desirable step, for the improvement of the Universities and their Colleges.

Hitherto, very little inclination has been shown on the part of the Universities themselves to enlarge their own boundaries by the repeal of the ecclesiastical tests, and some danger may exist of these magnificent institutions becoming again mere ecclesiastical schools.

At Cambridge, any new measure, when proposed for the consideration of the Senate, is liable to be rejected by the Caput committee, before it can proceed further, but the Caput committee seldom exercise that power unless their doing so be in accordance with the opinions and wishes of the majority of the Senate.

"At a congregation, on the 4th of December, 1833, two graces were brought forward by Professor Pryme, at Cambridge; one, to appoint a syndicate or committee to consider the propriety of discontinuing the subscription to the three articles of the 36th canon at the time of taking the degree of Master of Arts, &c., or to substitute some other subscription in its stead; the other, to consider of the propriety of discontinuing the subscription, that the individual is *bonâ fide* a member of the Church of England, at the time of taking the degree of Bachelor of Arts, and to inquire whether some other form of subscription might not be substituted in its stead. They were both rejected by the Caput."*

In the debates of the following year (1834) Lord Melbourne recommended a voluntary concession on the part of the Universities, and a compromise and good understanding between the two parties. Some efforts were subsequently made, in influential quarters, to induce the Oxford University authorities to modify, in a slight degree, their matriculation test, and the failure of this attempt led to the following conversation in the House of Lords, May 26th, 1835:—"The Earl of Radnor wished to ask the noble Duke opposite whether what he had seen in the public papers was correct, as to the rejection of the proposal of a new and amended

* Quarterly Journal of Education, vol. vii. p. 181.

form of declaration on the admission of members to the University? If the statement was correct, he begged to give notice, that, as the University had refused, of its own accord, to amend the form of the declaration, he should, before the session passed over, introduce a measure for effecting that change.

"The Duke of Wellington could not say exactly what statement had been made in the public prints, but it was true that such a proposal as that referred to by the noble Earl had been made, and it was equally true that that proposal had been rejected."*

Several of the ancient Roman Catholic Colleges were founded at Oxford and Cambridge, in an age, when prayers for the souls of the founders formed the usual spiritual gifts, with which the terrestrial gifts of property and income were repaid by the University† and Colleges: priests were then necessarily required for the repetition of the masses for the dead, as well as for the numerous other masses and religious ceremonies of the Roman Catholic Church; indeed a relic of ancient times is still manifest in the celibacy of College fellows, which was preserved by the statutes of

* Hansard's Parliamentary Debates, vol. xxviii. p. 129.

† "To all the faithful in Christ about to see the present letter, we, Eudo La Touche, Doctor of Laws, and Chancellor of the University of Cambridge, for the perpetual commemoration of the deed. We make known by these presents that since Sir James de Roos, knight, John Pechel, rector of the church of St. Andrew of Histon, and Henry Hammond, executors of the will of Sir William de Thorpe, knight, of good memory, have on behalf of the souls of the said William, and Lady Grace, his wife, caused solemnly to be built the schools of the divines, with the chapel, to the honour of God, the promotion of study, and the profit of the University; and since it suits ecclesiastical distribution, to give spiritual in return for terrestrial gifts, things firm for things unstable, and things eternal for things temporal; of our own authority and that of the whole University aforesaid, both of regents and non-regents, we enact, promise, and strictly compel ourselves and our successors to the observance of the following: that each year, on the 2nd of the nones of May, the chancellor of the aforesaid University for the time being, and each of the regents, shall meet in the aforesaid chapel, solemnly to celebrate the funeral masses for the soul of the aforesaid Sir William, with a mass on the morrow, viz., with the deacon and subdeacon. We also enact and ordain, that every year on the 19th of November, funeral masses shall be celebrated by the aforesaid chancellor and regents of the aforesaid University, for the soul of Lady Grace, consort of the aforesaid Sir William, with a mass on the morrow, and the ceremonies before adverted to," &c.—*Ancient Statutes of the University of Cambridge.* A.D. 1398.

Whitgift, in the reign of Elizabeth, although, at that time, the clergy generally were in this country allowed to be married.

Long periods of residence were formerly insisted upon, in the ancient College and University statutes; but the literary and scientific apprenticeship which was then intended to precede the professional studies of theology, civil law, or medicine, has been, in later times, wisely reduced to a much shorter term of residence, and as the business of instruction rose in importance, it was gradually found to be the interest of the Colleges themselves to disregard, in many points, the spirit of the statutes, by which they were supposed to be bound.*

Thus, in the royal foundation of Trinity College, Cambridge, the oath taken by the fellows still records the ecclesiastical intentions of the statute makers of the sixteenth century, although laymen continually hold fellowships; the newly-elected fellow is there obliged to swear that he will embrace, with all his soul, the true religion of Christ; that he will prefer the authority of Scripture to the judgments of men; that he will take his rule of faith and life from the word of God, and will account as human other things, which are not proved from the word of God; that he will hold the authority of the Crown supreme among men, and in no way subject to the jurisdiction of foreign bishops; that he will confute, with his whole will and mind, opinions contrary to the word of God; that, in the matter of religion, he will prefer things true to things customary, and things written to things which are not written. Having thus made his declaration of belief in the Protestantism of the sixteenth century, the young bachelor fellow goes on to swear, that he will make theology the end of his studies; and that, when the time prescribed in the statutes shall arrive, he will either take holy

* When Bishop Wykeham, in the fourteenth century, drew up his statutes for New College, Oxford, and for Winchester School, he confessed, that he had "diligently examined and considered the various rules of the religious orders (of monks), and had compared them with the lives of their several professors; but that he had been obliged with grief to declare, that he could not any where find that the ordinances of the Founders, according to their true design and intention, were at present observed by any of them."—*Lowth's Life of William of Wykeham, p.* 91.

orders or quit the College; and then that he will observe all the statutes, laws, usages, and laudable customs, which shall concern him, of this College; also, that he will be faithful and well-affectioned to this College, and that he will give his aid and good wishes to the fellows, scholars and master of the same, not only while he lives in it, but also afterwards, according to his ability, whenever need shall be; that he will never cause any injury or inconvenience to the College, and that he will repel to the utmost of his power all the designs, combinations, conspiracies, snares, deeds and words of others, which are calculated to bring damage or disgrace upon the College, and will make them known to the officers of the College, whose duty it is to take cognizance of, and pronounce sentence on, all such proceedings. And if, in consequence of any offence reckoned among the greater offences, he shall be expelled from the College with the consent of the master and the majority of the seniors, in the way defined in the chapter on greater offences, that he will not appeal to any other judge or judges, or on that ground bring any action or indictment at any future time against the master of the College, or any fellow; and that he will never seek for any dispensation from this his oath, nor will accept it, if sought by others and offered him; and then that he will be obedient to the master, the vice-master, the seniors, and other officers, in all lawful and honest things, and that he will yield them the reverence and honour, which are their due; finally, that he will undertake all duties imposed on him by the master and the eight seniors, and that he will discharge them with the utmost fidelity and diligence.

The chapter on greater offences just referred to, begins with the appropriate words, that "nothing is a greater incentive with men to transgression than impunity," and it then ordains the punishment of absolute expulsion, with the consent of the master and a majority of the eight senior fellows, for a variety of offences, at the head of which are placed heresy, or a probable suspicion of heresy, or any perverse or impious opinion or doctrine.

Ecclesiastical objects may have been paramount in the regulations of this College, during the contests of the fifteenth century,

and there can be little doubt but that the oath to "make Theology the end of their studies," was not intended to assist legal students at the bar, or any laymen at all.

In modern times, it has been suggested, that the alternative of "quitting the College, at the time prescribed in the statutes," applies not merely to the "taking of holy orders," but also to the "making theology the end of his studies," and the fellowships are easily opened without any inquiry, to all candidates, for the prescribed time, which is about ten years.

Among the most distinguished laymen, who have held fellowships of late years, in Trinity College, are, Lord Lyndhurst, Lord Chief Justice Tindal, Baron Parke, Mr. Justice Williams, Mr. Justice Coltman, Sir Frederick Pollock, Mr. John Shaw Lefevre, and many others. The introduction of these powerful minds into the College must have been valuable to the institution, and the free distribution of fellowships ought to be continued, but the oath, as it is now worded, should be given up, for lawyers cannot really be considered to make theology the end of their studies, in the manner which was intended by the statute makers of the sixteenth century.

A revision of College oaths is required almost as much as the revision of the University tests, and the legislature may probably possess an equal right of interference in both these artificial barriers to the advancement of intellectual improvement. Very little attention is probably paid to the College oaths, when they are taken, and as they are almost always in Latin, and are read by the master of the College, the fellow or scholar who is sworn in, need not give his attention to them, unless he be particularly disposed so to do.

Candidates for fellowships at Trinity College, Cambridge, are required to pass a severe examination in Greek, Latin, Mathematics, and Moral Philosophy: the fellows are also elected from among the scholars of the College, who are themselves elected from among the undergraduates, after a serious examination in Classics and Mathematics, and the degree of Bachelor of Arts is a necessary preliminary for the subsequent honor of a fellowship.

No divinity subjects enter, in any way, into the examinations either for scholarships or fellowships, and the natural result of opening the B. A. degree at Cambridge would be the introduction of Dissenters among the candidates for fellowships.

Religious liberty has been always fluctuating in all countries, but in England, at the present time, it is probably gaining strength, and considerate toleration of religious differences generally characterizes good society, in the private intercourse of life. The general diffusion of enlightened views on the right of individual judgment will be promoted by the early association of the members of different religious denominations at College, and the opening of the Universities may ultimately afford the happiest means of providing for an enlightened and liberal system of general education, in the rising generation.

Of the two ancient Universities, Cambridge possesses the advantage of being already partially open, and it was well observed by Lord Palmerston, in the debates of 1834, that Dissenters were admitted to the course of study in that University, and were allowed equally to partake of those honors, the hope of which had been the great stimulus to exertion during the academic course, and the attainment of which stamped the possessor for life with an honorably marked character. "It was said," he continued, "that the mere privilege of attaching the letters M. A. or B. A. to their names was of too trifling a nature to be made the grave matter of complaint. Suppose these titles were nothing but empty honors, still, he maintained, that the honors and titles were matters of local and conventional value,* and that much depended upon the labors by which honors were obtained; and he would venture to say, that any young man of genius and talent, who had toiled through the labors of academical study, (and few honorable members were aware of the extent of that labor,) who had undergone these toils, and who had succeeded in crowning himself with academic laurels,—no man of that class would listen with patience to those who would tell him, that those titles were empty names. It must be most galling to the heart of any honest man to be deprived

* Hansard's Debates, vol. xxii. March, 1834.

of these honors (conferred, perhaps, on associates less deserving) merely for conscience sake, because he had adopted the creed of his fathers,— because, at an age when, in temporal matters, he could not take a binding engagement, he was called upon to subscribe articles of faith which concerned the most important, because the most lasting, interests of mankind. Could it be denied that this was a serious grievance? It was well known that with respect to the learned professions to which many members of the University devoted themselves, Physic and Law, the attaining a degree was a most essential help to their future professional prospects.

"He," (Lord Palmerston,) "remembered having heard a striking illustration of the importance of those degrees, in the Hall of Trinity College, Cambridge, from the late Lord Erskine, who, with that talent by which he adorned every thing he touched, was explaining how all his professional success was owing to his having graduated in the University of Cambridge. He stated, that having taken to the bar late in life, he was discouraged by the long probation he would have to go through, and was about to quit it with disgust, when it was suggested to him, that if he went down to Cambridge, and took out his degree there, to which his previous studies had entitled him, it would be of essential benefit to him; he went down; he took his degree; he was encouraged to persevere, and to that degree he mainly attributed his subsequent eminence. If Lord Erskine had been a Dissenter, he would have been cut off from this resource, and the English bar would have lost one of its brightest ornaments. The grievance, then, was necessarily a severe one upon the Dissenter, who could not be admitted to a degree.

"But he was prepared further to contend that it was a still greater grievance upon the public at large. The public had a right to have the benefit of all the best talent in the law or in medicine, that the country might possess; but, by the absurd principles which prevailed, the supply of persons properly qualified to discharge those duties was necessarily limited, and the country injured. The injury to the individuals might be measured as far as

it was possible to measure the sufferings of a wounded spirit; but the injury to the public could not be estimated, because no man could tell how much talent was suppressed, or how much genius was blighted, by their exclusion from their natural career."

Considerable progress has been made, of late years, in the reform of College statutes, at Cambridge, and the improved codes of Jesus College, Queen's College, and Pembroke College, have been already duly confirmed. The revised laws of Trinity College, Cambridge, have also been laid before the Queen in council, and the royal authority has been beneficially exerted, in other Colleges, to dispense with various unwise regulations of the ancient founders. Thus, in Queen's College, Cambridge, when Dr. King, the principal tutor in that society and a layman, was elected President of the College, in 1832, by a majority of the fellows, a Royal Dispensation was requested and granted to enable him to hold that office, although, according to the statutes, the presidency had been intended for a theological graduate. At St. John's College, Cambridge, the foundation fellowships were opened, by letters patent, from King George IV., to natives of England and Wales, without any restriction or appropriation whatsoever, and to this happy circumstance, together with the wide-spread influence of private tuition, the present prosperous state of St. John's College may be in great measure attributed.

Interest will be felt in the circumstance, that the statutes of the University of Cambridge have been recently submitted to revision in the University itself, and that the oaths of obedience to the statutes were considerately changed, we believe, under the Vice-chancellorship of the Rev. Dr. Ainslie, the enlightened Master of Pembroke College, for equivalent declarations, so that students, who may have a conscientious objection to such oaths, are no longer obliged to take them in their original form, either at matriculation or graduation. But the political system of excluding Roman Catholics and Dissenters from power, by the existing ecclesiastical tests for degrees, can hardly be expected to be altered solely by the local authorities of either University, and the revision of the University statutes, by the University, either

at Oxford or Cambridge, will probably not extend far beyond the improvement of educational and internal regulations, which may easily be modified, from time to time, without exciting party feelings on any important principle of legislation.

The connection of the Crown with the Universities of this country has been described by the Right Hon. William Ewart Gladstone, as "yielding perhaps the most emphatic testimony borne by our existing institutions, to the concern of government in the general culture of the people." Mr. Gladstone considers, that in our Universities, "according to their idea, all rudimental and inferior learning is to receive its consummation; and that they, (the Universities,) can only, according to our constitutional practice, exist by the direct act and warrant of the Crown. And, if we recur," he continues, "to our earlier history, we shall find abundant evidence, sometimes, as under James II., from the abuse of the power in question; at other times, and most commonly, from its careful and paternal employment; that this connection was by no means intended to be nominal or dormant."*

All the Colleges of Oxford and Cambridge were subjected to Royal Visitations, under Henry VIII., Edward VI., and Elizabeth, and these important societies became, as it were, government institutions, from the new statutes, imposed upon them by the Crown. In the reign of Queen Mary, Cardinal Pole, as the legate of the Pope, conducted the University Visitations, but Queen Elizabeth resumed the regal authority, which her father had obtained over the Universities. Jealousy was naturally felt under the early Stuarts of the talented and earnest preaching of the Puritans, and the subscription tests of James I. were probably adopted, in order to exclude the Puritans on the one hand, and the Roman Catholics on the other, from the privileges of graduation. The long parliament wisely determined to repeal these tests, and declared them to be "contrary to the law and liberty of the subject," but the principles of toleration were only imperfectly known at that time, and the tests of the solemn league and covenant and

* The State in its relations with the Church, by W. E. Gladstone, Esq., late Student of Christ Church, Oxford, and M. P. for Newark, vol. i. p. 156.

the directory were obviously intended during the civil wars, to exclude the Episcopalians from power. Parliament undertook the visitation of both Universities, in those troubled times, and the Earl of Manchester was especially distinguished for his judgment and moderation, in the office of visitor.

After the restoration of the monarchy, Charles II. issued a declaration to all his loving subjects of England and Wales, concerning Ecclesiastical affairs, and in this state paper, he graciously signified his royal will and pleasure, that no persons in the Universities should be hindered in the taking of their degrees, from the want of the subscription to the three articles of the 36th Canon of the Church of England. The King was at first inclined to be tolerant towards the Presbyterians, who had assisted in his accession to the throne, and he wished that no one should be disquieted or called in question for differences of opinion in matters of religion, which did not disturb the peace of the kingdom,* but his views for the extension of religious liberty were unfortunately checked by the intolerance of Baxter towards the Roman Catholics and Unitarians: Charles II. was probably at heart, a Roman Catholic, and when he found himself unable to obtain a general system of toleration, he quietly acquiesced in the revival of the ancient tests and the invention of new ones for the exclusion of nonconformists, and the Act of Uniformity was passed, in 1662, which confirmed the parliament in its supremacy over the Colleges as well as the Universities of Oxford and Cambridge.

Since the revolution of 1688, parliament has been the great field, in which the battles of civil and religious liberty have been fought and won, and in 1772, 1834, and subsequently, serious debates have taken place respecting the antiquated tests of the seventeenth century, which are still maintained in the Universities. But the publication of the statutes of these ancient corporations is still required for the guidance of the legislature in the difficult path of University reform, and great benefit will be derived from the appointment of a Royal Commission of inquiry into the state of the Universities with full power to suggest improvements.

* Bishop Kennet's Register, vol. i. p. 293.

Modern literature, which is almost entirely neglected at the examinations in the Universities and Colleges of Oxford and Cambridge, should be especially considered by the members of this Commission, and the extension of the examination system, so as to include some portion of the magnificent literature of France and Germany, may perhaps prove the most efficient means of encouraging the study of modern languages among the general body of the students.

Professor Huber, with his usual acuteness of observation, describes the known duty and vocation of the Universities of Oxford and Cambridge to consist in the formation, first, of gentlemen, and, next, of schoolmasters who may educate the rising generation of gentlemen.* For both these objects, a knowledge of modern languages is important, and able instructors in French and German are already settled in our ancient Universities, and are well attended by their pupils.

In the German Universities of Berlin and Marburg, and probably in many other Foreign Universities, lectures are regularly delivered on modern languages, and by a happy coincidence, modern literature forms the particular subject on which Professor Huber himself gives instruction at Marburg.

During last winter, this learned Professor explained the reading of English, and gave historical and literary commentaries on our language; he also delivered lectures on Italian, on a Spanish comedy of Moreto, and on the history of modern literature from the beginning of the twelfth to the end of the eighteenth century. In the present summer session, (May to September, 1843,) he illustrates the play of King Henry V., from Shakspeare, and teaches the English language publicly; the same learned gentleman also finds time to explain the Divina Commedia of Dante, and to give lectures on the literary history of the Roman people during the Middle Ages.

The establishment of professorships in modern literature at Oxford and Cambridge is by no means sufficient to spread a knowledge of modern languages generally among the students, for it is well

* Vol. ii. p. 381.

known, that in England, as in Germany, the subjects chosen for examinations form the guiding and too often the limiting subjects of study at the Universities, and the newly established University of London has most wisely introduced French and German examination papers into the exercises for the degree of Bachelor of Arts, so that her students are required to show some proficiency in one or other of these modern languages, in order to obtain their Bachelor's degree.

Prizes have been recently instituted by His Royal Highness Prince Albert, for the encouragement of modern literary studies among the boys of Eton College, and modern literature will, ere long, it is hoped, enter into fair competition with the Greek and Roman languages. All classes of educated persons, in this country, are interested in the diffusion of those various branches of knowledge which really improve the minds of the youth around them, and Schiller and Molière ought to have, at least, an equal place assigned to them, with Tacitus and Aristophanes, in the University and College examinations at Oxford and Cambridge.

Increased remuneration should be also provided for the examiners at the ancient Universities, and if antiquated statutes, made in times when the present system of examinations was entirely unknown, are still to be followed, additional grants might be given by Parliament, for the suitable payment of those most responsible and meritorious officers, the Examiners in Colleges and Universities.

JAMES HEYWOOD.

MANCHESTER,
MAY 18TH, 1843.

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* The Index was originally prepared by Mr. D. M. Mackintosh, B.A., of Corpus Christi College, Cambridge, and has been subsequently enlarged by Mr. J. J. Reed, of Lymington.

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